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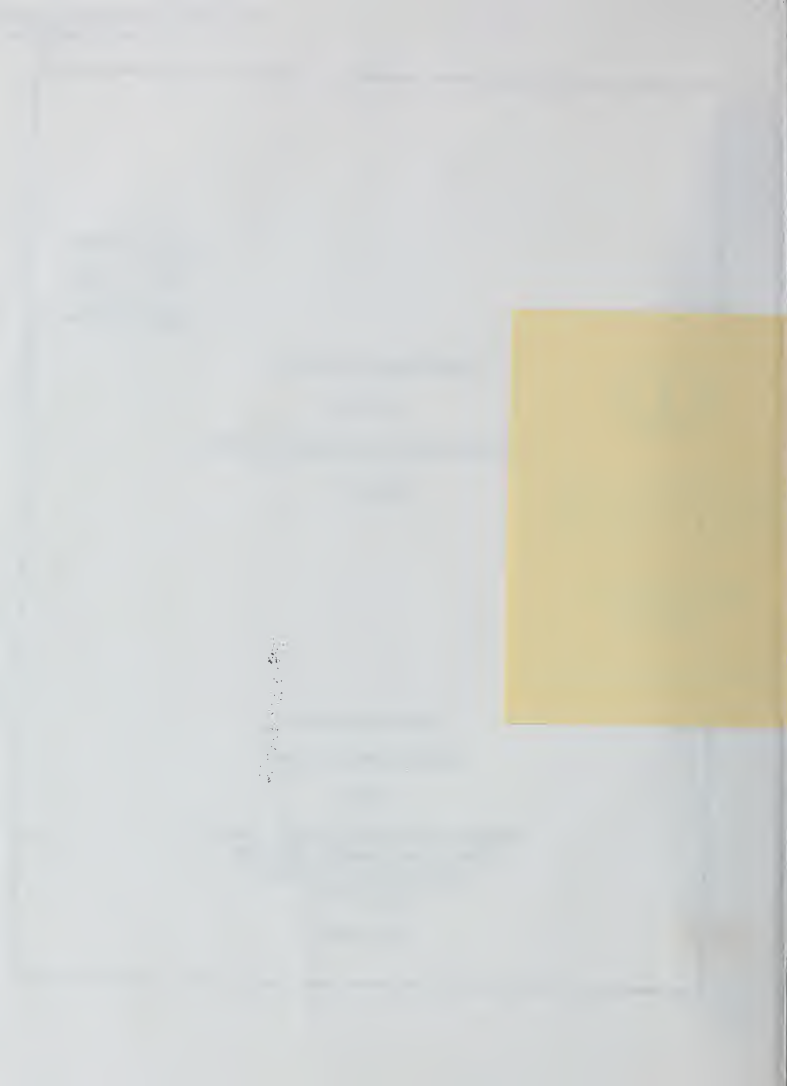
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PERFORMANCE AUDIT
OF THE
SAN FRANCISCO POLICE DEPARTMENT
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PREPARED FOR THE
BOARD OF SUPERVISORS
BY THE

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MAY, 1998



CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

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May 4, 1998

Honorable Barbara Kaufman, President
and Members of the Board of Supervisors
City and County of San Francisco
Room 410, Veterans Building
401 Van Ness Avenue
San Francisco, California 94102

Dear President Kaufman and Members of the Board of Supervisors:

Transmitted herewith is the Budget Analyst's Phase 2 Performance Audit Report of the San Francisco Police Department (SFPD).

In total, this report presents 10 findings which contain a total of 29 recommendations. Our recommendations are detailed in each of the finding sections in our report. If fully implemented by the Department, these recommendations would result in an estimated \$8,384,048 in annual reduced costs and increased revenues for the City and County of San Francisco's General Fund.

The Phase 1 report detailed our examination of police services provided by the Field Operations Bureau and the district stations, shift scheduling practices, overtime spending and certain critical support activities.

Phase 2 has focused on services provided by investigation and special enforcement units of the SFPD. A large part of this report, and our work on Phase 2, has therefore centered on the Department's Investigations Bureau, the second largest unit of the SFPD. We have also reviewed administrative functions in order to assess potential savings and efficiency improvements that could be achieved by converting sworn positions that perform non-police duties to civilian positions. We have also covered

workers compensation and temporary disability, a high cost area for any public safety department.

In addition to the findings and recommendations described in this report, the Budget Analyst also examined other key areas of the SFPD's operations. These areas include: 1) the Consent Decree, which has forced the Department to operate under Court supervision since 1979; 2) the Crime Lab, a large and important support unit within the Investigation Bureau; and, 3) the Special Operations Bureau. We have also reviewed and analyzed the level of supervisory and management staffing in the SFPD, and compared these levels to other large urban police departments in the State of California.

The SFPD receives \$206.3 million in General Fund support, which is the greatest amount of General Fund support of all City Departments, exceeding even the entire Department of Public Health, including San Francisco General Hospital and Laguna Honda Hospital, the largest single Department in City and County Government.

The Department's permanent authorized sworn positions include:

1	Chief of Police;
1	Assistant Chief;
3	Deputy Chiefs;
2	Commanders;
25	Captains;
86	Lieutenants;
516	Sergeants and Inspectors;
1,456	Police Officers;
1	Secretary to the Police Commission; and,
<u>1</u>	Criminologist.
2,092	Total Sworn Positions

In addition, as of July 1, 1997, the SFPD assumed responsibility for the Bureau of Airport Police, which added 153 authorized airport police classifications to the SFPD. The costs of the Bureau of Airport Police are supported by San Francisco International Airport revenue.

In FY 1997-98, the Police Department has been authorized total appropriations of approximately \$228.5 million, which includes grant and special projects funding of approximately \$3.1 million, and approximately \$19.1 million in Airport revenue to support the Airport Police Bureau, a function that was taken over by the SFPD in Fiscal Year 1997-98. General Fund appropriations are approximately \$206.3 million, or 90.3 percent of the SFPD's \$228.5 million budget.

Based on our performance audit, there are many areas where we believe the Police Department should be commended on its performance. Most importantly, the SFPD appears to be close to fulfilling the requirements of a long standing Consent Decree that has placed the Department under Court supervision since 1979. According to the Consent Decree Unit, the estimated annual savings resulting from vacating the Consent Decree would be at least \$275,000 annually, plus additional savings in professional services of an undetermined amount.

The remainder of this transmittal letter presents a summary of our findings, conclusions and recommendations by subject area.

Investigations

As defined by the State Department of Justice (DOJ), an offense is "cleared" for crime reporting purposes when at least one person is arrested, charged with the commission of the offense and turned over to the court for prosecution or cited to juvenile authorities. However, the clearance rate is not an accurate measure of a jurisdiction's success in prosecuting and convicting suspects, because cases that are cleared by the Police Department are not necessarily prosecuted by the District Attorney's Office. A better measure of the City's performance in prosecuting and convicting suspects is how many of the cases assigned to Inspectors result in the formal filing of charges by the District Attorney's Office against a suspect arrested by the Police Department.

For example, while 69 percent of the assigned suspect cases (cases in which there is no initial arrest) are cleared by the Police Department, only 27 percent of such cases are prosecuted by the DA. Additionally, while all rebookings¹ (cases in which there is an immediate felony arrest) are cleared by the Police Department, only 53 percent of rebookings are prosecuted by the DA. Overall, only 42 percent of all cases assigned, investigated and cleared by the Police Department result in prosecution by the DA.

The DOJ's statistics show that San Francisco's felony filing rate is also relatively lower than the felony filing rate in other jurisdictions. Based on DOJ statistics, only one-half of the felony arrests presented by the Police Department to the DA result in the filing of formal charges against a suspect, compared to the overall filing rate of 74 percent for all jurisdictions Statewide. This lower filing rate may

¹ As defined by the San Francisco Police Department, a rebooking is the process by which an Inspector presents the case against a person who has already been arrested for review by a District Attorney. A rebooking involves corroborating the arresting Police Officer's incident report through interviews with the suspect, victim, witnesses and arresting Officers. The District Attorney then decides what charges, if any, to file for prosecution against the suspect. A rebooking is required when a person has been arrested without a warrant on a felony charge by the police.

be in part because of the high crime and felony arrest rates in San Francisco as compared to other California jurisdictions. However, the San Francisco DA's Office has a conviction rate (the number of convictions as a percentage of filings) which is comparable to the conviction rate in other jurisdictions. Thus, although the San Francisco DA turns down many more cases for prosecution than other jurisdictions, the conviction rate in San Francisco, which would be expected to be higher, is no higher than in other large California jurisdictions.

Through our field work, we identified several conditions and practices of both the Police Department and the DA's Office which may be contributing to San Francisco's low prosecution rate. These include:

- the lack of interaction between the investigative and patrol functions;
- an uneven workload distribution among the investigative units;
- the quality of police report-writing;
- the DA's high charging standard;
- poor tracking and reporting of workload and performance measures; and
- the absence of a formal case review process.

Interaction between the Investigative and Patrol Functions

Investigative units that deploy Inspectors to crime scenes have an average filing rate for felony rebookings of 78 percent, versus the average of 50 percent for other investigative units, thereby demonstrating that the presence of Inspectors at crime scenes may contribute to the higher filing rates of certain investigative units.

Since most crime incidents occur during non-business hours, the Homicide and Sex Crimes Sections and the Juvenile Division have on-call Inspectors who respond to incidents during evening and night-time hours. These three sections, plus the Night Investigations Unit, have greater interaction with patrol personnel and involvement in the preliminary investigation process, and also have among the highest DA filing rates for rebookings.

However, in the 11 other investigative units, in which investigators do not attend the crime scene immediately after the crime has occurred, there is minimal interaction between the investigative and patrol functions. As a result, patrol personnel do not have a comprehensive understanding of the investigative process and Inspectors are excluded from preliminary investigations.

In order to improve the interaction between investigations and patrol, Inspectors should be available to provide assistance to patrol personnel on a 24-hour basis and, when necessary, to respond to crime scenes. Additionally, the Department should resume the rotation of patrol Sergeants through the Inspectors Bureau in order to provide them with a first-hand view of the investigation process.

Workload and Organization in the Investigations Bureau

Investigative units do not have workload standards, nor do managers monitor the relative caseloads of investigative units. As a result, there is an inequitable caseload distribution among the investigative units of the Police Department. For example, investigators assigned to the Narcotics Division's rebooking unit each handle an average of 200 rebookings per month, versus an average caseload of less than one rebooking per month for Inspectors in the Homicide, Sex Crimes and Fencing Sections.

Through our field work, we discovered that there appears to be a negative correlation between caseload and the DA's filing rate for rebookings. For example, the units with the highest caseloads for rebookings - Narcotics, Auto, Burglary and General Work - have relatively low filing rates for rebookings by the DA. In addition, there is some correlation between the length of time a case remains open and the likelihood that it will be accepted by the DA for prosecution, and cases which are closed quickly are less likely to be accepted by the DA. Moreover, based on discussions with staff from the DA's Office, Inspectors sometimes pressure Assistant DAs to file or discharge rebookings quickly so that the Inspector will be able to complete the case within the 48-hour time limit.

The combination of high caseloads and the 48-hour time limit for rebookings has resulted in a focus by Inspectors on closing as many cases as quickly as possible, regardless of whether the case is discharged or accepted by the DA, and often as a priority over expending additional time and resources to assist in the prosecution of suspects.

In order to eliminate the inequitable workload distribution, the General Investigations Division should implement a cross-training program, create a Rebookings Unit and adjust staffing levels for the investigative units based on relative caseloads.

The proper implementation of our recommendations could potentially result in a reduction in investigative overtime of \$240,000 per year, if efficiencies are realized.

Police Report Writing

Although the Police Department's report writing has improved in recent years, according to the District Attorney's Office, report-writing deficiencies are still one of the factors contributing to the high number of cases turned down for prosecution by the DA's Office.

According to the DA's Office and a study by the Coro Foundation, some factors contributing to poor report writing are the reversal of report-writing techniques learned in the Police Academy and the Department's past and current recruiting policies. While Police Academy classes stress the importance of complete and thorough reports, according to the DA's Office, other members of the Police Department tend to encourage recruits to be as concise as possible in writing reports, essentially advising them to forget the report-writing techniques learned at the Police Academy.

We performed an independent review of a random sample of 40 incident reports for cases that were rejected by the DA. Although the reports appeared to be of fair to good quality, we found that many reports were missing critical elements such as descriptions of the steps of the Police Officer's investigation and personal observations. In addition, there was often no corroboration of the reporting party's statements that would normally be achieved by attempting to locate potential witnesses.

In order to improve the quality of Police report-writing, and further reduce the impact of reports on the DA's ability to file formal charges in cases, the Police Department should expand and improve report-writing instruction at the Police Academy and consider, as a policy matter, implementing less restrictive residency and higher education requirements for new officer recruits. Additionally, the SFPD should request that the DA's Office develop a formal system for returning any substandard Police reports back to the Police Department for review, evaluation and corrective action.

The DA's Standard for Charging Cases

Pursuant to California Penal Code Section 836, peace officers are authorized to make an arrest based on probable cause. As such, the Police Department must believe that there is more evidence for than against the prospect that the person sought is guilty of a crime, yet reserving some possibility for doubt.

There is no statutory standard to be used by the District Attorney for filing charges against a suspect arrested by the Police Department. However, the San Francisco District Attorney's Office does operate under charging standards established by the

California District Attorney's Association. According to the District Attorney's Office, the DA's interpretation of these standards is equivalent to the provisions contained in Penal Code Section 1096, which states that the guilt of a suspect must be proven beyond a reasonable doubt.

Although PC Section 1096 is intended to be used as a jury instruction when a criminal trial begins, in San Francisco, the DA applies this standard much earlier in the criminal justice process. As such, the San Francisco DA's Office must be convinced "beyond a reasonable doubt" within 48 hours of the suspect's arrest (the time limit for filing formal charges against the suspect), that the suspect is guilty of the crime.

The reasonable doubt standard is not typically used by District Attorneys in other jurisdictions to file charges against a suspect, and some District Attorneys in other jurisdictions have adopted a less rigorous standard of proof which must be met before filing charges against a suspect.

Although meeting the reasonable doubt standard is necessary to convict a person, it is not necessary to meet this standard in order to place a person on trial. Using such a high standard in making the decision whether or not to file formal charges eliminates the possibility of gradually being able to build a case against a suspect. As such, the DA may not be prosecuting some cases that perhaps could be prosecuted if additional time were provided in order to expand the investigation, develop the case and collect additional evidence and information.

As a result, prosecutable cases are possibly being discharged by the DA because they do not meet this high standard. In addition, given that the Police Department is making arrests based on the probable cause standard, and the DA is prosecuting such cases based on a much higher standard, it is inevitable that conflicts should occur between the Police Department and the District Attorney as a result of the DA's decision not to proceed further with a case.

The DA should give some consideration to establishing a more flexible policy for filing charges which would encourage Assistant DAs to review all the options before making a decision whether or not to file charges against a suspect.

Penal Code Section 849(b)

California Penal Code Section 849(b) authorizes peace officers to release arrested persons from custody due to insufficient grounds to file a complaint against that person (Section 849(b)(1)), or because that person was under the influence of alcohol or drugs and no further action is desirable (Sections 849(b)(2) and (3)).

Based in part on statistics published by the State, the San Francisco Police Department has been criticized by the District Attorney's Office and other City agencies for its under-utilization of PC 849(b). However, the SFPD does not report all 849(b) releases to the State, as confirmed by a tabulation of 849(b) release forms by the Budget Analyst's Office.

The DA further advises that the Police Department should issue more 849(b)(1) releases, as the DA receives a large number of arrest cases from the Police Department in which there are insufficient grounds to file charges. DA staff advise that such cases could be discarded by either the arresting Police Officer, his/her commanding Sergeant or by the Police Inspector assigned to investigate the case, before they even reach the DA's Office for review.

Because the 849(b) form used by the SFPD does not provide space for Police Officers to record the reason for which an arrested person is being released from custody, it cannot be determined what proportion of 849(b) releases in San Francisco are issued due to insufficient grounds (Section 849(b)(1)) or because the detainee was under the influence of alcohol or drugs (Section 849(b)(2) and 849(b)(3)).

Police Department staff interviewed by the Budget Analyst have indicated that Section 849(b)(1) is most likely not widely used by the San Francisco Police Department. This is because the arresting Police Officer, his/her commanding Sergeant (who must approve each arrest), and/or the Police Inspector assigned to investigate the case may not feel qualified to make the decision of whether there are sufficient grounds to prosecute a case. According to Police Department staff, they would prefer to leave this decision to the DA, who has specialized training and expertise in this area.

As long as the Police Department is able to substantiate that arrests are being made based on the probable cause standard, it is appropriate for the Police Department to leave the decision not to prosecute a case to the District Attorney. However, the Police Department should improve its tracking and reporting of Section 849(b) releases to the State.

Record-Keeping and the Case Review Process

Through the Budget Analyst's field work, we found discrepancies in the data provided from different data sources, especially with regard to the disposition of cases. These inconsistencies indicate that the Police Department may not be tracking and recording workload and performance statistics accurately. For example, the number of 849(b) releases reported to the State does not reflect the actual number of 849(b) releases issued by the Police Department based on our review of 849(b) files. Also, the data maintained by the DA's Intake Unit on felony

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rebookings accepted by the DA did not match data provided by the Police Department regarding the disposition of felony rebookings. In some units, such as the Narcotics Division, data regarding the number of rebookings performed and the disposition of rebookings was not available at all. The Police Department's records reflect a higher overall clearance rate than our sample and a higher DA filing rate than our sample and the DA's records.

All assigned cases are reviewed and signed by the commanding lieutenant of each investigative section before being closed and filed. However, there is minimal, if any, follow-up discussion or evaluation of all cases in general once they have been closed and filed. Although each investigative unit maintains statistics on the number and disposition of cases assigned, there is currently no broad discussion or evaluation of cases which are cleared but which were not accepted by the DA for prosecution.

As such, the Investigations Bureau needs to improve record-keeping by maintaining more accurate and comprehensive statistics, particularly on the disposition of cases.

The Police Department should also establish a formal, documented case review process that involves staff from Investigations, Field Operations and the District Attorney's Office, in order to increase the future likelihood of cases being accepted for prosecution. Evaluating discharged cases, including both rebookings and suspect cases, would provide a means of assessing performance and of determining whether improvements could be made in order to increase the likelihood of cases being accepted for prosecution in the future.

Required Staffing, Temporary Disability and Modified Duty; Modified Duty and Industrial Disability Retirement

The SFPD defines modified duty as assignments in which a temporarily disabled employee performs work outside his or her normal duties that accommodates his or her medical restrictions. The decision to place an officer on modified duty status is made upon certification by the treating physician and is subject to the availability of a suitable modified duty position that is consistent with the physician's recommendations. A description of our findings based on the review and analysis of these issues follows.

The current policies and practices of the SFPD do not establish a specific number of modified duty positions but do set, at 365 days, the maximum length of time an officer can be assigned to modified duty. This maximum time of 365 days on modified duty was established in November, 1997 by the approval of General Order 11.12. General Order 11.12 defines the SFPD's policies for accommodation, through

the assignment to modified (light) duty of Police Officers who are disabled by injury or illness.

Modified Duty assignments are the result of work and non-work related injuries that require Police Officers to restrict their activities because they are unable to fully perform the required duties of a Police Officer. However, those officers who are injured in non-work accidents must request modified duty. To accommodate the need for such assignments, the Police Department maintains Modified Duty positions that can be held by sworn personnel. Such positions are generally administrative in nature. Details regarding the use of Modified Duty are discussed later in this section.

The Department currently has 121 sworn positions that were added to the budget over and above the Charter-mandated level of 1,971 "full duty" sworn positions to accommodate officers on Modified Duty or disability leave. Based on our analysis of actual need for temporary modified duty positions and a provision for the average number of full time equivalent positions required for temporary disability, we recommend eliminating 66 of the 121 positions currently budgeted to accommodate officers on modified duty and disability leave. The elimination of such excess sworn positions can begin one year from November, 1997 due to the implementation of the SFPD's General Order 11.12. General Order 11.12 is described in further detail below.

According to the SFPD's revised modified duty policy, if a member has sustained a physical or mental impairment that substantially limits one or more major activities on the job, and has been performing in a modified duty assignment, his or her situation must be evaluated after 365 days. As a result of this evaluation, the member should either: (1) return to his/her regular assignment; (2) request a reasonable accommodation; or (3) request a recommendation for Industrial Disability Retirement.

State laws regarding Workers Compensation are more liberal than the "reasonable accommodation requirements" set forth in the federal ADA regulations. We also found that the federal ADA regulations do not necessarily apply to the accommodations made for officers on modified duty assignments. In most cases in order to have a claim under ADA, the Department will have already stated that there is not a modified duty assignment available that would meet the needs of the 'disabled' officer, and the Retirement Board has turned down the officer's request for an Industrial Disability Retirement (IDR). In such cases, it is incumbent upon the Department to clearly demonstrate why there is not a suitable assignment and press the Retirement Board to approve the officer's request for the IDR.

While the SFPD provides steps to place an injured employee in a modified duty position, on a temporary basis, we found that there are an increasing number of officers who are on modified duty beyond 365 days. Based on interviews with representatives in the Medical Liaison's Office, we also found that attending physicians, who are designated by the injured officer, are inconsistent in their recommendations for returning injured employees to work. Additionally, there is no designation of the person responsible for questioning a member's ability to perform that might result in differences in evaluations. Finally, there is no written analysis that the Chief of Police can use as a basis to make a decision on assigning modified duty positions. This is problematic as the Chief could continue to assign officers in modified duty positions regardless of the cost to the Department.

In recent years, a combination of a prevailing legal decision, the Police Department's practice of assigning sworn officers to performing civilian duties in modified duty assignments, and the Police Department's past policies and practices have effectively increased the number of modified duty positions which are both filled and available. As a result of the Retirement Board's policy on Industrial Disability Retirements and the existing case law, the SFPD has been forced to place officers in Modified Duty positions, regardless of the cost to the Department, when the Retirement Board did not grant Industrial Disability Retirement.

In the past three years, 138 applications for Industrial Disability Retirements have been filed. Of those applications, 31 (22 percent) have been denied. Of the 31 denials, 21 (68 percent) were denied because the Retirement Board found that the officer could perform a modified duty assignment.

As a result of past practices, and the Department's willingness to make accommodations for officers requiring modified duty assignments, several sworn officers have performed civilian duties for a number of years. The SFPD's new General Order 11.12 establishes clear guidelines and policies regarding the types of accommodation that will be made and are consistent with established State laws.

The Department has identified 77 administrative assignments. Modified duty officers typically perform only 12 of the 77 administrative assignments, identified by the Department. However, at the time of the survey, 29 of the 77 assignments were being used for modified duty.

In our review and analysis we identified a Sergeant who has held a modified duty position in the Records for over 17 years; a Police Officer who has held a position in the Warrants Division for over 11 years; and another Police Officer held a position in the Fencing Unit for 13 years. With the new General Order in place and the implementation of the new Workers Compensation Claims Management System,

long-term modified duty assignments, such as those described in this paragraph, will no longer be possible.

Since completing our fieldwork, the SFPD has installed and implemented a new Workers Compensation Claims Management System. This system is designed to track workers compensations claims and provides management with reports on the number of active claims, length of claims and status of each officer on modified duty.

Based on our detailed analysis, the elimination of 66 of the 121 positions currently used for modified duty and temporary disability leave represents savings to the Department of at least \$4,223,208 (66 positions x \$63,988 per position) without reducing the current level of police services. The elimination of these positions should be phased in over a three-year period.

Minimum Sworn Staffing and Civilianization

As a result of the restrictions imposed by Proposition D, approved by the voters in June, 1994, that established a minimum level of full duty sworn personnel, the Police Department is not currently in compliance with the other provisions of Proposition D. The SFPD does not currently comply with the civilianization requirement to permit an increase in the number of sworn personnel dedicated to community policing and other police activities.

In fact, the Police Department has undergone a process of "reverse civilianization," in which an increasing number of sworn personnel are performing clerical, administrative and other functions that do not require peace officer status. Meanwhile, there has been a trend towards greater civilianization in other large police departments in California and nationwide.

As a result, the Police Department is incurring as much as \$2.24 million per year in excess personnel costs by using sworn personnel to perform administrative, technical support and/or other non-police functions. This practice can also have a demoralizing effect on existing civilian employees who are being paid less for performing similar functions. Additionally, hiring civilian employees with greater expertise in functions currently being performed by sworn personnel would improve productivity.

Fully implementing the provisions of Proposition D, through civilianization of non-police functions now performed by sworn personnel could result in additional costs to the City of as much as \$8.7 million annually because offsetting reductions in sworn staffing would be prohibited, despite the fact that such reductions would not affect the current level of sworn staffing actually performing police duties.

The Board of Supervisors should consider, as a policy matter, submitting a ballot measure to the electorate to amend Charter Section 4.127 (Proposition D) in order to facilitate the civilianization of sworn positions in the Police Department. Civilianization would enable the Police Department either to (a) realize savings of up to \$2,242,618 per year without reducing the current level of police services; or (b) use this savings to hire an additional 46 Police Officers dedicated to community policing, patrol and investigations.

Although the current level of 2,021 sworn officers is higher than the minimum required staffing level of 1,971 full duty sworn officers, we calculated in Section 2 of this report that the equivalent of 17 full-time equivalent (FTE) sworn personnel are assigned to modified duty and an additional 28 FTE sworn personnel are on temporary disability leave, for a total of 45 FTE sworn personnel who are not performing "full duty" assignments. Although Charter Section 4.127 does not clearly define "full duty", it seems reasonable that sworn personnel on modified duty or temporary disability leave should not constitute "full duty" officers. If one subtracts the approximately 45 FTE sworn personnel on modified duty or temporary disability from the total of 2,021 sworn officers currently on the payroll, the result would be 1,976 "full duty" officers or five more than the 1,971 sworn staffing level specified by the Charter.

In addition, the SFPD's FY 1997-98 budget provides funding for 131 FTE sworn personnel from overtime pay. If these 131 FTE sworn personnel funded by overtime are added to the 1,976 "full duty" officers as described above, the total FTE "full duty" officers increases to 2,107, or 136 more than the 1,971 "full duty" officers specified in the Charter.

Although the Department is currently in compliance with the minimum staffing level established by Proposition D, the SFPD has not been successful in allocating additional staff to police duties or in civilianizing sworn positions. In fact, an increasing number of sworn personnel are performing clerical, administrative and other functions that do not require peace officer status. This has occurred in part because of past budget cutbacks which, due to public pressure to maintain a strong police presence throughout the City, resulted in the elimination of civilian positions rather than sworn positions. As a result, according to the Police Department, there are an insufficient number of civilian personnel available to perform all of the administrative, clerical and other support functions necessary, and sworn personnel are being used instead. The Police Department reports that it has made use of its modified duty officers to perform some of the necessary administrative and support activities that otherwise would be performed by civilian personnel.

In addition, because of the sworn staffing minimum imposed by Proposition D, civilianization would result in additional, rather than reduced, personnel costs for

the Police Department. For example, in most jurisdictions, civilianization results in a cost savings, since sworn positions are usually replaced with lower cost civilian positions. However, in San Francisco, because Proposition D mandates a minimum staffing level of 1,971 sworn officers, the Police Department cannot replace sworn personnel with civilian personnel. Instead, under a strict interpretation of Proposition D, civilianization can only be achieved by adding new civilian positions to the budget to assume the administrative and other tasks currently being performed by sworn personnel, and then reassigning those sworn personnel to police functions (such as community policing, investigations, patrol, etc.), thereby resulting in increased rather than reduced personnel costs for the City. Because of a combination of (a) the cost of adding new sworn positions to the budget in order to comply with Proposition D and (b) other budget priorities in the Police Department and throughout the City, the Police Department has been unable to add new civilian positions to its budget.

The largest increase in sworn personnel since April, 1994 has been in the SFPD's Administration Bureau (30 percent). There has been an increase of only 9.3 percent in the Field Operations Bureau - Patrol Division, a 6.4 percent increase in the Field Operations Bureau - Special Operations Division and an 13 percent increase in the Investigations Bureau. As such, the Police Department is not in compliance with the provision of Charter Section 4.127 that requires all new full duty sworn officers hired after FY 1993-94 to be dedicated to neighborhood community policing, patrol and investigations.

According the Police Department, one reason for the large increase in sworn personnel in the Administration Bureau between April, 1994 and March, 1998 was the transfer of Police Officers on temporary disability leave or modified duty assignment from field units to the Administration Bureau in order to improve supervision of these officers. Additionally, the Department maintains that all new Police Officer recruits who finish basic training at the Police Academy are initially assigned to community policing duties at the district stations.

Although the number of authorized civilian positions (including both vacant and filled positions) has increased by 13 since FY 1994-95 (from 433 authorized positions in FY 1994-95 to 446 authorized positions in FY 1997-98), there has been a reduction of 69 authorized civilian positions (13.4 percent) since 1990, from 515 positions in FY 1990-91 to 446 positions in FY 1997-98. During the same time period, the number of authorized sworn positions increased by 119 (6.0 percent), from 1,973 sworn positions in FY 1990-91 to 2,092 sworn positions in FY 1997-98.

Based on law enforcement management and administrative statistics published by the U.S. Department of Justice (DOJ), Bureau of Justice Statistics, we found that there appears to be a trend towards civilianization in police departments

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nationwide. For example, for the 31 largest police departments in the U.S. which have at least 1,000 sworn members, the average percentage growth in the number of civilian employees was 12 percent between 1990 and 1993, versus only a three percent increase in the number of sworn employees and a four percent increase overall. On the other hand, in San Francisco, the number of civilian employees decreased by 23 percent and the number of sworn employees remained unchanged between 1990 and 1993.

In addition, based on the DOJ's statistics, an average of 78 percent of employees were sworn in 1993, a decrease from 80 percent in 1990, in the nation's 31 largest police departments. However, in San Francisco, the number of sworn employees as a percentage of total employees was 83 percent in 1993, an increase from 79 percent in 1990.

Our survey of 10 other large California police departments also showed a trend towards civilianization. Based on documents submitted by six of the 10 police departments surveyed, we found that the SFPD is following the opposite trend than most of the other jurisdictions surveyed.

The number of sworn employees as a percentage of total employees decreased in all except one (San Diego) of the six jurisdictions that responded to our survey, whereas the proportion of sworn personnel has increased in San Francisco. In addition, while the percentage of civilian employees has grown at a greater rate (28 percent) than the overall average increase in the number of full-time employees (16 percent) in the six other police departments surveyed, in San Francisco, the number of civilian employees has declined by 11 percent, despite an overall increase of two percent in the total number of employees.

In addition, we also found that approximately 12 percent of sworn employees in the San Francisco Police Department are assigned to administrative and technical support activities in the Administration Bureau, whereas an average of only five percent of sworn personnel are assigned to similar duties in the other police departments surveyed.

The SFPD has a much higher percentage of sworn employees performing administrative and technical support activities than the six other jurisdictions surveyed (36 percent in the SFPD versus the average of 16 percent in the other jurisdictions).

Our survey of six other police departments, including Los Angeles, Riverside, Sacramento, San Diego, San Jose and Santa Ana found that:

- Records, Identification, Communications, Property Control and Fiscal are almost fully civilianized in Los Angeles, San Jose, Sacramento and Santa Ana;
- Sacramento and Santa Ana have special civilian classifications to perform backgrounds investigations of applicants for sworn positions;
- Fleet Management is fully civilianized in Los Angeles;
- Los Angeles, Riverside, San Jose and Santa Ana use specialized civilian personnel for photographers and photography laboratory technicians;
- San Diego and Riverside use specialized civilian personnel for evidence collection and control;
- The Personnel, Payroll and Public Relations functions are also largely performed by civilian personnel in the other police departments surveyed; and
- Other examples of the use of specialized civilian personnel for administrative or technical support functions include helicopter operation and repairs (Riverside), polygraph examinations (Los Angeles), psychiatric services (Los Angeles and Riverside), reproduction (Los Angeles), and station duty (Los Angeles).

In a survey completed by the Police Department in the spring of 1997, the Police Department identified 189 sworn employees who were assigned to performing primarily administrative and/or clerical tasks. After an independent review and analysis of the functions being performed by sworn officers in the autumn of 1997, the Budget Analyst identified a total of 183 sworn positions which could potentially be civilianized. However, we found in Section 2 of this report that up to 26 sworn positions should be reserved as modified duty positions. Thus, of the 183 sworn positions currently performing non-police functions, the Police Department could convert up to 157 (183 less 26) to civilian positions.

Therefore, we have concluded that the Police Department is incurring \$2,242,618 in excess salary and fringe benefit costs by using sworn personnel to perform administrative, technical support, duplicative and/or other non-police functions.

Because of the approval of Proposition D, it would not be possible for the Police Department to replace existing sworn positions with new civilian positions if the total number of full duty sworn positions fell below 1,971. Thus, civilianizing all sworn positions now performing non-sworn duties would result in significant additional costs to the City, since it would not be offset by savings from a reduction in the number of authorized sworn positions. As such, full compliance with Proposition D would cost the City an additional \$8,706,904 per year, based on the estimated annual salary cost of \$7,016,039 plus \$1,690,865 for fringe benefits for

these 157 civilian positions. On the other hand, the City could save up to \$2,242,618 per year through civilianization if Proposition D were amended to facilitate the civilianization/elimination of these 157 civilian functions which are currently being performed by sworn personnel, without reducing the current level of police services.

In addition, there would be an increase in the number of authorized civilian positions from 446 to 603 positions, or an additional 157 civilian positions.

We recommend a total reduction of 223 sworn positions, from the current level of 2,092 to 1,869. This reduction can be achieved through a combination of civilianization and elimination of modified duty positions that we conclude should not be necessary following full implementation of the SFPD's new General Order 11.12. Despite this recommended reduction, there would not be a reduction in the current level of police services. This is because (a) the 157 sworn positions identified for civilianization in our report are currently performing non-police functions and would be replaced by civilian positions; and (b) the remaining 66 positions were originally placed in the budget because of the reported need to accommodate officers on temporary disability or modified duty who were therefore not performing their regular, full duty assignments. *Thus, the number of officers who are responsible for responding to calls for service and other police activities would not decrease.*

The SFPD currently has a higher number of sworn officers per 10,000 residents and a lower number of crime incidents per sworn officer than the average of the other six jurisdictions that submitted detailed survey responses. Additionally, the SFPD also has a higher number of officers responding to calls for service and a significantly lower number of crime incidents per officer than the average of the six other surveyed jurisdictions. *The proposed reduction in the total number of authorized sworn positions would not affect the number of officers responding to calls for service or their workload.*

As such, given the significant cost to fully comply with Proposition D, the Board of Supervisors may wish to consider, as a policy matter, submitting a ballot measure which would amend Charter Section 4.127 in order to facilitate the civilianization of sworn positions in the Police Department. Rather than recommending a specific number of full-duty sworn positions, this Charter Amendment should allow for the civilianization of existing sworn positions, as identified by the Police Department and Budget Analyst in this report, without resulting in additional personnel costs and without reducing the current level of police services. Additionally, this Charter Amendment should provide that any savings resulting from civilianization accrue to the General Fund. As a result of this Charter Amendment, the civilianization of the 157 sworn positions identified in this report would result in a savings of up to \$2,242,618 per year to the City.

A second option would be for the Police Department to civilianize the 157 functions identified in our report and to use the savings realized from civilianization to hire additional Police Officers. The \$2,242,618 in potential annual savings identified by the Budget Analyst could then be used to hire 46 new Q2 Police Officers, based on a starting salary (including fringe benefits) of \$48,906 per year. These additional 46 Police Officers could be assigned to police duties, such as neighborhood community policing, investigations or patrol. Exercising this policy option would also require the approval of a Charter Amendment by the voters. As noted above, rather than recommending a specific number of full-duty sworn positions, this Charter Amendment should allow for the civilianization of existing sworn positions, as identified by the Police Department and Budget Analyst in this report, without resulting in additional personnel costs and without reducing the current level of police services. Additionally, in accordance with this policy option, this Charter Amendment should also provide that any savings resulting from civilianization be used to hire new Police Officers to perform community policing duties. This policy option would not result in any additional costs or savings.

Additionally, the Budget Analyst recommends that the civilianization of the sworn positions identified in this report be implemented through attrition, as positions are vacated by existing sworn personnel. According to the Police Department, the civilianization of these sworn functions would take from three to five years to implement.

Special Event Overtime

As part of Phase 1 of the Performance Audit of the San Francisco Police Department, we reviewed and analyzed police overtime expenditures, policies and practices and had five findings and 27 recommendations designed to reduce police overtime expenditures by as much as \$6.7 million per year, including up to \$2.2 million in reduced expenditures and increased revenues related to special event overtime. According to the Police Department, the Budget Analyst's recommendations regarding overtime quotas for individual units and court overtime for preliminary hearings have been implemented. However, the Police Department reports that most of the other recommendations have not been implemented because they are subject to meet and confer requirements with the Police Officers Association (POA). As of the writing of this report, the results of such meet and confer discussions were not available.

As part of Phase 2 of this performance audit, we reviewed police overtime expenditures again in order to update our analysis, especially with regard to special event overtime. Extended Work Week (EWW) or special event overtime reflects overtime paid to officers who work beyond their scheduled shifts, or work on their scheduled days off to provide special event coverage. Special events include street

fairs such as the Fillmore and Haight Street Fairs, demonstrations by labor organizations or political groups, athletic events such as Bay to Breakers and the San Francisco Marathon, large celebrations such as Cinco de Mayo and Carnaval, parades such as Chinese New Year and the Gay and Lesbian Freedom Day Parade, 49ers and Giants games, and other events such as funerals and dignitary visits. In Phase 1 of this performance audit, we learned from district captains that the deployment of on-duty officers from the districts takes away from the ability of the districts to provide sufficient staff to perform regular police duties, such as responding to calls for service. In addition, special event coverage is the single largest reason for overtime in the Police Department.

Although other categories of Police overtime declined or remained steady during FY 1996-97, special event overtime increased by 41 percent in FY 1996-97. Special event overtime has fluctuated over the past four years, representing between 27 percent and 41 percent of all paid overtime hours. In FY 1996-97, special event overtime represented approximately 46 percent of all paid overtime hours.

In FY 1996-97, the Police Department incurred \$13,115,539 in General Fund overtime expenditures (not including \$2,742,532 in General Fund holiday overtime pay), which represents an increase of \$524,192 (4.2 percent) in General Fund overtime expenditures from the FY 1995-96 level of \$12,591,347 (excluding \$2,582,538 in General Fund holiday overtime pay). According to the Police Department, this increase results primarily from an increase in special event overtime. Special event overtime represented an estimated \$5,980,630 (46 percent) of the Department's \$13,115,539 in FY 1996-97 General Fund overtime expenditures.

In FY 1996-97, the Police Department deployed sworn employees at 853 special events (excluding the Mayor's Conference, which resulted in 23,310 EWW overtime hours and 9,660 on-duty hours of police coverage). For every special event in FY 1996-97, an average of 260 hours of police coverage were provided by the Police Department, at a cost of over \$8.2 million annually. The SFPD provided 221,983 hours of police coverage for special events, consisting of 86,063 on-duty hours and 135,920 overtime hours. This is equivalent to approximately 125 full-time equivalent (FTE) personnel devoted to special event coverage on a full-time, annual basis. Of these 125 personnel, approximately 48 employees are diverted from their regular assignments in order to provide police coverage for special events. Furthermore, we determined that officers from the district stations provided an estimated 95,852 (43 percent) of these 221,983 hours, consisting of 23,622 on-duty hours and 72,230 overtime hours. This is equivalent to approximately 54 FTE personnel devoted to special event coverage on a full-time, annual basis, including 13 FTE personnel who are diverted from their regular assignments at the district stations.

Forming a special event unit under the Special Operations Division would lessen the drain on district stations resulting from special events and would reduce special event overtime expenditures by as much as an estimated \$1.1 million per year.

In addition, the Board of Supervisors should consider a policy option that would improve the Police Department's ability to recover the full cost of providing police coverage at certain types of special events, thereby generating as much as \$650,000 in additional revenue to the City annually.

Other SFPD Functions Reviewed During our Performance Audit

In Appendix 1 of our report, we present an analysis of Management Staffing and Supervision of Sworn Personnel. Overall, we found that, based on a survey of other large, urban police departments in California, that the SFPD does not appear to have higher levels of upper management ("command") staffing or excessive supervisory staffing in relation to the number of police officers in the Department. We also found that the organization and ratios of supervisory personnel were consistent with the organization of most paramilitary models of organization.

In order to compare SFPD's organizational structure to other police departments, we surveyed the police departments of the 10 largest cities in California (other than San Francisco). The Police Departments surveyed include Anaheim, Fresno, Long Beach, Los Angeles, Oakland, Riverside, Sacramento, San Diego, San Jose, and Santa Ana. We received responses from six of the 10 police departments. Based on these responses, we found the management and staffing configurations of the San Francisco Police Department to be quite similar to the organizational structures of other large California police departments.

Although San Francisco has the highest number of district police stations per square mile and the second lowest population per district station compared to the other police departments surveyed, the SFPD is quite similar to the other police departments in terms of its command structure at district police stations.

Although San Francisco has higher supervisor to staff ratios than the average of the six other jurisdictions, the SFPD still falls within the range of Sergeant to Police Officer, Lieutenant to Sergeant and Captain to Lieutenant ratios of the six other police departments.

In addition, the SFPD indicates that the optimal Sergeant to Police Officer ratio is one to seven or eight Police Officers. The Sergeant to Police Officer ratio in San Francisco is one to 6.7 Officers, which is only slightly higher than the optimal number.

As such, it appears that the San Francisco Police Department has sufficient supervisory positions to manage line staff, and there does not appear to be an excessive number of higher level management/supervisory positions relative to line staff, when comparing San Francisco to other jurisdictions.

Appendix 2 of our report is a Criminal Justice Glossary prepared by the Budget Analyst to provide readers of this report with definitions of terminology that is sometimes unique to law enforcement.

Appendix 3 of our report provides a summary of other areas reviewed. These include the Consent Decree, the Crime Lab and the Special Operations Division.

Based on the findings and conclusions outlined above, the Budget Analyst has presented 29 detailed recommendations in this performance audit report. The detailed recommendations are presented at the end of each of the sections and subsections with a summary of the benefits of implementing the recommendations. Our recommendations are listed below.

1.1 Interaction between the Investigative and Patrol Functions

The Police Department should:

- 1.1.1 Through a meet and confer process with the Police Officers Association, establish two 12.5-hour shifts per day at the district stations for Inspectors, or employ one of the other three options for designating Inspectors to perform a triage type function in order to assist Patrol Officers at crime scenes.

The Deputy Chief of Investigations and the Deputy Chief of Field Operations should:

- 1.1.2 Establish a program in which Inspectors would be available to provide assistance to patrol personnel on a 24-hour basis, and, when necessary, to respond to crime scenes, in accordance with Recommendation 1.1.1 and the other guidelines included in this section.
- 1.1.3 Restore a program in which all patrol Sergeants from the district stations are rotated through each section of the Inspectors Bureau over a two-week period every two years.

I.2 Workload and Organization in the Investigations Bureau

The Deputy Chief of Investigations should:

- 1.2.1 Implement a cross-training program in the General Investigations Division in which Inspectors spend two weeks working in each of the 10 other units (except Homicide) over a two-year period, consistent with the guidelines included in this report.
- 1.2.2 Form a Rebookings Unit to handle all rebooking cases for the General Investigations Division and rebookings for narcotics arrests at the district stations, in accordance with the guidelines included in this report.
- 1.2.3 Following implementation of Recommendation 1.2.2 above, adjust staffing levels for units in the General Investigation Division to reflect the relative caseload of suspect cases for each unit and the relative seriousness and solvability of cases handled by each unit.

I.3 Police Report Writing

The Chief of Police should:

- 1.3.1 As a policy matter, consider establishing a higher minimum education standard for new officer recruits than the high school diploma, such as at least one year of college, and concurrently implementing less restrictive residency requirements.
- 1.3.2 Request that the District Attorney develop a formal system for returning any substandard Police reports back to the Police Department for review, evaluation and corrective action.

The Police Academy should:

- 1.3.3 Design exercises for basic training in report-writing which provide a greater emphasis on teaching recruits to describe the steps of their investigation, their personal observations and other details, obtain written statements from all involved parties (when possible), and attempt to locate and identify potential witnesses.
- 1.3.4 Continue to sponsor periodic report-writing classes, taught by Assistant District Attorneys, for Sergeants and Field Training Officers.

- 1.3.5 Regularly include report-writing sessions as part of the biannual Advanced Training course required of all sworn members.

I.4 The DA's Standard for Charging Cases

The District Attorney should:

- 1.4.1 Consider establishing a more flexible policy for accepting cases from the Police Department for prosecution.

I.5 Penal Code Section 849(b)

The Deputy Chief of Administration should:

- 1.5.1 Improve the tracking of Section 849(b) releases by revising the 849(b) release form so that it includes information on the type of offense (e.g. felony or misdemeanor) and which subsection of PC 849(b) the release pertains to (849(b)(1), (2) or (3)).

- 1.5.2 Provide accurate statistics on the use of PC 849(b) to the State.

I.6 Record-Keeping and the Case Review Process

The Deputy Chief of Investigations should:

- 1.6.1 Maintain more accurate and comprehensive statistics on the assignment and disposition of cases.
- 1.6.2 In accordance with the guidelines included in this section, establish a formal, documented case review process which involves staff from Investigations, Field Operations and the District Attorney's Office.

2.1 Required Staffing, Temporary Disability and Modified Duty

The SFPD should:

- 2.1.1 Maintain the time limit of 365 days, set by General Order 11.12 for temporarily disabled officers who are serving in modified duty positions. Such a time limit is consistent with the new General Order 11.12, approved in November, 1997;

- 2.1.2 Eliminate 66 of the 121 sworn positions which are currently budgeted to accommodate officers on modified duty or temporary disability leave and clearly define the conditions for placing permanently disabled officers in modified duty assignments;
- 2.1.3 Clearly define the steps that will be taken in the event that an officer completes the 365 days of modified duty but is still disabled and is unable or unwilling to obtain disability retirement;
- 2.1.4 Define "reasonable accommodation" under the federal ADA and provide details on how the SFPD's required actions under Workers Compensation and the State Labor Code diverge from the Federal ADA standard. Additionally, the SFPD should clearly articulate its method of making such Workers Compensation and ADA accommodations, for officers who are temporarily or permanently disabled;
- 2.1.5 Inform the Retirement Board as to the maximum number of modified duty positions and the time limit that sworn officers may serve on modified duty. Work with the Retirement Board to develop a policy for retiring officers who are permanently disabled as an alternative to keeping them in modified duty positions and reasonably accommodating them above and beyond required standards; and
- 2.1.6 Continue the implementation of the new Workers Compensation Claims Management System as a tool for tracking and reporting on Officers on modified duty and/or those who are permanently assigned to non-sworn duties.

2.2 Modified Duty and Industrial Disability Retirement

The SFPD should:

- 2.2.1 Provide the members of the Department with a written definition of a "non-sworn budgeted position;"
- 2.2.2 Provide the members of the Department with a written definition of an "emergency;" and,
- 2.2.3 Authorize reviews to track officers on modified duty and issue reports to management on the status of all officers who are disabled or on modified duty at a minimum of 30 days.

3.0 Minimum Sworn Staffing and Civilianization

The Board of Supervisors should consider the following policy options:

- 3.1 Consider submitting a ballot measure that would amend Charter Section 4.127 in order to facilitate the civilianization of sworn functions in the Police Department without recommending a specific number of full-duty sworn positions, without resulting in additional personnel costs and without reducing the current level of police services. Additionally, this Charter Amendment should provide that any savings resulting from civilianization accrue to the General Fund.

Or:

- 3.2 Consider submitting a ballot measure that would amend Charter Section 4.127 in order to facilitate the civilianization of sworn functions in the Police Department, without recommending a specific number of full-duty sworn positions, without resulting in additional personnel costs and without reducing the current level of police services. Additionally, this Charter Amendment should provide that any savings resulting from civilianization be used to hire new Police Officers to perform community policing duties.

4. Special Event Overtime

The Deputy Chief of Field Operations should:

- 4.1 Create a unit of officers under Field Operations Bureau Headquarters to serve as the primary response unit for special events during periods when the majority of special events take place.

The Board of Supervisors should:

- 4.2 Consider the policy option of modifying the Administrative Code, as described in the Police Department's memorandum (see Appendix 4), in order to enable the Police Department to improve its ability to recover the cost of providing police coverage at certain types of special events.

Finally, a written response from the Chief of Police is appended to our report, as well as comments from the Budget Analyst regarding the response. The Police Department concurs fully or partially with 25 of our 29 recommendations. We have also appended a written response to our findings concerning Modified Duty from the Executive Director of the Employees' Retirement System. In essence, the Employees'

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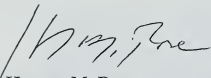
Retirement System states that we have not considered the cost of reducing positions available for long term modified duty and increasing industrial disability retirements for Police Officers who legitimately qualify for such retirement benefits.

First, the Employees' Retirement System has not provided us with any estimate of the cost to the Retirement Fund due to increased industrial retirements. Second, in providing actuarial estimates for several recent proposals to improve retirement benefits for certain employee groups, the Retirement System has consistently stated that the system is very well funded. The City has not had to pay any employer contributions for nearly two years. Further, the Retirement Board does not expect the City to pay any employer retirement contributions for at least fifteen years into the future n barring severe shortfalls in the investment returns to the System.

Lastly, the Budget Analyst believes that the City should grant, with gratitude, disability retirement to any Police Officer who is no longer able to perform police duties because of a bona fide injury or illness.

The Budget Analyst would like to acknowledge and thank the management and staff of the Police Department for their cooperation during the course of this performance audit. Without their willing assistance, our task would have been much more difficult.

Respectfully Submitted,



Harvey M. Rose
Budget Analyst

cc: Supervisor Ammiano
Supervisor Brown
Supervisor Bierman
Supervisor Katz
Supervisor Leno
Supervisor Medina
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Introduction

The Budget Analyst of the City and County of San Francisco has performed this *Phase 2 Performance Audit of the San Francisco Police Department* pursuant to direction received from the Board of Supervisors under the authority granted by Charter § 2.114.

Project Scope

The scope of the *Performance Audit of the San Francisco Police Department* was to be comprehensive. Our Phase 1 report provided an examination of police services provided by the Field Operations Bureau and the district stations, shift scheduling practices, overtime spending and certain critical support activities. That report covered the largest and most visible of SFPD's operations. Over 65 percent (approximately 1,300) of the department's sworn officers are employed in these activities. These officers have the greatest amount of contact with the general public and represent the point of service delivery for the SFPD's "Community Policing" philosophy.

Our Phase 1 report provided findings grouped into the following major categories:

- District station police officer deployment practices (Section 1);
- Police officer scheduling, focusing on economies and enhanced services which could be achieved with a eight hour, five day scheduling system for line police officers and supervisors (Section 2);
- Police officer overtime by major category, including end-of-shift overtime, investigative overtime, court overtime, and special event overtime (i.e., extended work week) (Section 3);
- Police officer deployment for special events, and mechanisms for achieving a higher ratio of cost recovery for police services provided at such events; (Section 4)
- District station vehicle deployment practices (Section 5); and,
- Materials and supplies purchasing and inventory management. (Section 6)

Phase 2 has focused on services provided by investigation and special enforcement units of the SFPD. A large part of this report, and our work on Phase 2, has therefore centered on the Department's Investigations Bureau, the second largest unit of the SFPD. We have also reviewed administrative functions in order to assess potential savings and efficiency improvements that could be achieved by converting sworn positions that perform non-police duties to civilian positions. We have also covered workers compensation and temporary disability, a high cost area for any public safety department.

In addition to the findings and recommendations described in this report, the Budget Analyst also examined other key areas of the SFPD's operations. These areas include 1) the Consent Decree, which has forced the Department to operate under Court supervision since 1979, 2) the Crime Lab, a large and important support unit within the Investigation Bureau, and 3) the Special Operations Bureau. We have also reviewed and analyzed the level of supervisory and management staffing in the SFPD, and compared these levels to other large urban police departments in the State of California.

Methodology

This Phase 2 Performance audit of the San Francisco Police Department was performed in accordance with standards developed by the United States General Accounting Office, as published in *Government Auditing Standards, 1994 Revision* by the Comptroller General of the United States. Accordingly, this performance audit included the following basic elements in its planning and implementation:

Entrance Conference: An entrance conference was conducted with the Chief of Police and with the command staff of the Police Department to discuss the performance audit scope, procedures, and protocol.

Pre-Audit Survey: A pre-audit survey was conducted to familiarize the performance audit staff with the operations of the Police Department, interview upper management, and collect basic documentation regarding Police Department operations. As a result of the work completed as part of this pre-audit survey, areas of Police Department operations requiring additional review and analysis were identified.

Field Work: Field work was conducted in the specific areas which we determined would be included in this Phase 2 study. Middle managers, supervisors, and line personnel were interviewed to obtain details regarding Police Department operations. In order to complete the analysis contained in this report, we also conducted extensive sampling of Police Department records. Practices in other large police agencies throughout California were also reviewed regarding specific aspects of their operations. In each section of this report, we describe the specific methodology employed to develop our findings, conclusions and recommendations.

Analysis and Preparation of Draft Report: At the conclusion of the field work phase of this study, we conducted detailed analyses of the information collected. Based on these analyses, we prepared our findings, conclusions, recommendations, and estimates of costs and benefits from implementation of our recommendations. This analysis was incorporated into a draft performance audit report, which was then provided to the SFPD for review.

Exit Conference and Preparation of the Final Report: An exit conference was held with the Chief of Police and other upper managers of the Police Department to review the details of the report, and to identify any areas of the report requiring clarification or correction. Based on this exit conference, and further discussions, we considered the comments and clarifications provided by SFPD management and this final report was prepared and issued to the Board of Supervisors.

Current Organization and Operations of the Police Department

The SFPD receives the greatest amount of General Fund support of all City Departments, exceeding even the entire Department of Public Health, including San Francisco General Hospital and Laguna Honda Hospital, the largest single Department in City and County Government.

The SFPD is managed by a Chief of Police, who is appointed by the Mayor and reports to a Police Commission. The Mayor may recommend removal of the Chief of Police, subject to ratification within 30 days by the Police Commission. The annual budget for the Police Department is approved by the Mayor and the Board of Supervisors.

The Department's permanent authorized sworn positions include:

1	Chief of Police;
1	Assistant Chief;
3	Deputy Chiefs;
2	Commanders;
25	Captains;
86	Lieutenants;
516	Sergeants and Inspectors;
1,456	Police Officers;
1	Secretary to the Police Commission; and,
1	Criminologist.
2,092	Total Sworn Positions

In addition, as of July 1, 1997, the SFPD assumed responsibility for the Bureau of Airport Police, which added 153 authorized airport police classifications to the SFPD. The costs of the Bureau of Airport Police are supported by San Francisco International Airport revenue.

Management Organization

The Chief of Police is assisted by the Assistant Chief, who has direct responsibility for Public Affairs and Risk Management Services, and supports the Chief of Police with the day-to-day management of the Department. The Department also has

three Deputy Chiefs who manage the Field Operations Bureau (FOB), the Investigations Bureau, and the Administration Bureau. A fourth Deputy Chief position was created this Fiscal Year to head the Airport Police. In addition, one Commander position serves as second in command of the Field Operations Bureau, and one Commander position is in charge of the Special Operations Bureau. A third Commander position was created in the current Fiscal Year to assist the Deputy Chief in charge of the Airport Police. The creation of the new Deputy Chief and Commander positions for the Airport Police was offset by the deletion of two management classifications, the Chief and Deputy Chief, Bureau of Airport Police.

FY 1997-98 Authorized Expenditure Appropriations

In FY 1997-98, the Police Department has been authorized total appropriations of approximately \$228.5 million, which includes grant and projects funding of approximately \$3.1 million and approximately \$19.1 million in Airport revenue to support the Airport Police Bureau, a function that was taken over by the SFPD in Fiscal Year 1997-98. General Fund appropriations are approximately \$206.3 million of the SFPD's \$228.5 million budget. The total FY 1997-98 Department funding by appropriation category is displayed in the table below.

Table 1
Total Expenditure Appropriations
San Francisco Police Department - FY 1997-98

<u>Appropriation Category</u>	<u>Amount</u>	<u>Percent</u>
Salaries	\$165,219,988	
<u>Mandatory Fringe Benefits</u>	<u>27,769,718</u>	
Subtotal Salaries and Fringe Benefits	\$192,989,706	84.5%
Non Personal Services	6,620,001	
Materials and Supplies	3,392,203	
Capital Outlay	3,396,825	
<u>Services of Other Departments</u>	<u>16,453,574</u>	
Subtotal Non Salary Operating Costs	29,862,603	13.1%
Annual and Continuing Projects	1,856,252	
<u>Work Orders</u>	<u>1,718,666</u>	
Subtotal Annual Projects and Work Orders	3,574,918	1.5%
Grants and Special Projects	<u>2,052,000</u>	0.9%
<u>Grand Total Police Department Appropriations</u>	<u>\$228,479,227</u>	<u>100.0%</u>

Mandated Sworn Staffing Levels

The passage of Proposition D in June, 1994, mandated Uniform staffing of 1,971 full duty officers by the end of Fiscal Year 1994-95. In order to staff 1,971 full duty Police Officers, the Department must employ a greater number of personnel because a certain number of Police Officers are on permanent light duty, temporary light duty, temporary disability and other forms of leave that prevent them from working as full duty officers. Based on an analysis of historical trends, the Chief of Police has determined that, on average, approximately 45 Police Officers are assigned to permanent light duty, and approximately 65 Police Officers are on temporary light duty, temporary disability or other forms of leave, for a total of 110 Police Officers that could not reasonably be classified as capable of performing at a full duty level.

Based on these estimates, a policy decision was made by the Chief of Police that 2,082 total Police Officers (1,971 plus 111 to make up for the estimated number of officers that are unable to perform full duty) would be required to employ 1,971 full duty officers and meet the mandates of Proposition D. Since that policy decision was enacted in Fiscal Year 1995-96, ten additional sworn positions were added through grant funding, resulting in total authorized sworn positions that number 2,092. At the present time, the Deputy Chief for Administration is increasing the monitoring of disability claims and light duty assignments, while developing a new light duty policy. By reducing the number of additional sworn staff needed to comply with Proposition D, and civilianizing positions where appropriate, the Department can save significant expenditures in future operations, while still improving the level of police services.

As reported in our Phase 1 performance audit, mandated staffing was an area of emphasis for Phase 2. Section 2.1 and Section 3 of this report address our findings and recommendations concerning the current authorized strength of the SFPD and Charter-required mandated sworn staffing.

Organization of this Report

As stated above, much of our work in Phase 2 of this performance audit addressed the Investigations Bureau and the issue of mandated sworn staffing. In this connection, we have also reviewed policies and procedures for modified duty assignments, workers compensation, and opportunities to civilianize current sworn positions that are performing duties that do not require sworn status. In addition, because the SFPD continues to significantly overspend its budget for overtime salaries, we have revisited the issue of Special Event overtime.

Our report is organized into the following sections.

Section 1. Investigations: Introduction

- 1.1 Interaction between the Investigative and Patrol Functions
- 1.2 Workload and Organization
- 1.3 Police Report Writing
- 1.4 The DA's Standard for Charging Cases
- 1.5 Penal Code Section 849(b)
- 1.6 Record-Keeping and the Case Review Process

Section 2: Required Staffing, Modified Duty and Workers Compensation

- 2.1 Required Staffing, Temporary Disability and Modified Duty
- 2.2 Modified Duty and Industrial Disability Retirement

Section 3. Minimum Sworn Staffing and Civilianization

Section 4. Special Event Overtime

Appendix 1: Management Staffing and Supervision of Sworn Personnel

Appendix 2: Criminal Justice Glossary- Terms used in Section 1 - Investigations

Appendix 3: Summary of other areas reviewed: Consent Decree, Crime Lab, and Special Operations

Appendix 4: Attachments provided by the Police Department – Special Event Overtime

Accomplishments of the San Francisco Police Department

As part of our pre-audit survey, we evaluated a wide range of activities throughout the Police Department to assess overall performance and to identify areas requiring further review. Based on our initial assessment, there are many areas where we believe the Police Department should be commended on its performance.

- As discussed below, the SFPD appears to be close to fulfilling the requirements of a long standing consent decree that has placed the Department under Court supervision since 1979.
- The SFPD has successfully assumed command over the Airport Police Bureau, whose operations have been merged with the SFPD beginning with Fiscal Year 1997-98.
- After a detailed review of levels of sworn supervisory and management staffing, we found that the SFPD does not appear to be “top-heavy” in comparison to other large urban police departments or in relation to standard police practices and procedures for field supervision. Nonetheless, we found opportunities to reduce sworn staffing at all ranks through civilianization. Appendix 1 of this report presents our analysis of management and supervisory staffing levels.
- The SFPD has found a new location for the Department’s Crime Lab and is in the process of obtaining necessary funding for relocation expenses and new equipment to correct long-standing deficiencies. Appendix 3 includes a discussion of the Crime Lab.
- The SFPD has successfully implemented a grant funded program to place computer terminals in all police patrol vehicles.

Acknowledgments

The Budget Analyst would like to acknowledge and thank the management and staff of the Police Department for their cooperation during this performance audit, including Chief of Police Fred Lau, Deputy Chief for Administration William Welch, and Captain of Planning Tim Hettrich, and Sergeant David Herrera. We would also like to thank Captain Kevin Dillon, Lieutenant Tom Bruton and all of the Detail Lieutenants in the Investigations Bureau who assisted us in this study and Commander John Portoni of the Special Operations Bureau. Without the assistance and cooperation of all members of the SFPD who we worked with, our task would have been extremely difficult.

Section 1. Investigations: Introduction¹

- Pursuant to the California Penal Code, arrests and investigations by the Police Department are conducted in accordance with the "probable cause" standard. As such, the Police must believe that there is more evidence for than against the prospect that the person sought is guilty of a crime.²
- There is no statutory standard to be used by District Attorneys for filing charges against suspects arrested or sought by the Police Department. However, the San Francisco District Attorney has made the policy decision to operate under charging standards established by the California District Attorney's Association. According to the DA's Office, this requires that the guilt of the suspect be demonstrated beyond a reasonable doubt at the time charges are filed.
- Because of this obvious gap in standards applied by the Police Department and the DA, there is an inherent discontinuity in the process of arresting, investigating and prosecuting suspects.
- As a result, in the General Investigations Division of the Investigations Bureau, only 42 percent of the cases considered "cleared" by the Police Department are prosecuted by the District Attorney's Office. Additionally, charges are filed by the DA in only 50 percent of felony arrest cases investigated by the Police Department, versus the Statewide average of 74 percent.
- The sections that follow describe areas for improvement for both the Police Department and the DA's Office, which would ultimately contribute to increasing San Francisco's rate of prosecution. Our recommendations include (a) increasing interaction between the investigative and patrol functions; (b) forming a rebooking unit; (c) improving police report-writing; (d) as a policy matter for the DA, considering the establishment of a more flexible policy for accepting cases for prosecution; (e) improving record-keeping; and (f) establishing a formal case review process.

¹ See Appendix 2: Criminal Justice Glossary for definitions of terms contained in this section.

² "Peace officers; arrest under warrant; grounds for arrest without warrant". California Penal Code, Title 3, Chapter 5, Section 836, Note 231.

As part of this performance audit, we researched the investigative function of the San Francisco Police Department. The Police Department's investigative staff is located in the Bureau of Investigations, which is overseen by the Deputy Chief of Investigations. The Bureau of Investigations is divided into four divisions: General Investigations, Narcotics, Juvenile and Forensics. Staff assigned to the Investigations Bureau are responsible for performing the traditional activities of the detective, such as evidence analysis, interviewing witnesses and victims and tracking down suspects.

As part of this analysis, we examined: (1) what is required to effectively conduct an investigation for different types of cases and crimes; (2) how investigative personnel are assigned to each investigative section; and (3) the assignment and disposition of cases, in order to determine the number of cases assigned, cleared, inactivated and/or referred to the District Attorney.

To accomplish these objectives, we:

- Conducted interviews with the Captains of the General Investigations, Narcotics and Juvenile Divisions, Police Lieutenants and Inspectors throughout the General Investigations Division and in the Vice Crimes Unit, and key staff from the District Attorney's and Public Defender's Offices.
- Randomly selected and analyzed workload and performance records from each of the investigative sections for the four-year period from 1993 through 1997;
- With assistance from the Controller's Office Audits Division, reviewed a random sample of 242 felony arrest cases ("rebookings") and 253 other assigned cases ("suspect cases") from the General Investigations Division in order to gather data concerning the disposition of cases, how long cases remained active and the manner in which cases were investigated.
- Obtained and reviewed personnel distribution reports and organizational data for each investigative section;
- Researched applicable California laws and standards regarding arrests, investigations and prosecution;
- Reviewed and compared statistics published by the California Department of Justice, the California Judicial Council and the U.S. Department of Justice regarding arrests, investigations, prosecution, crime rates and administrative practices for San Francisco and other law enforcement agencies nationwide;
- Analyzed data from the District Attorney's Intake Unit regarding felony rebookings conducted by the Police Department; and

- Reviewed a random sample of 40 police incident reports for cases turned down by the DA for prosecution.

Organization, Management and Current Staffing

As noted above, the Investigations Bureau is divided into the General Investigations Division, the Narcotics Division (which includes Vice Crimes), the Juvenile Division and the Forensics Division. The General Investigations Division, the Narcotics Division and the Juvenile Division are each overseen by a Captain, all of whom report to the Deputy Chief of the Investigations Bureau. In addition, the non-sworn Director of the Forensics Division also reports to the Deputy Chief of Investigations.

Investigative staff assigned to the General Investigations Division are responsible for investigating crimes such as homicide, rape, robbery, burglary, etc. The Division is divided into 12 sections, each of which specializes in the investigation of a specific personal or property crime. These 12 sections are:

- Auto
- Burglary
- Domestic Violence Response Unit (DVRU)
- Fencing (i.e., the receipt and/or sale of stolen property)
- Fraud
- General Work (e.g., assaults, battery, threats, etc.)
- Hit and Run
- Homicide
- Night Investigations Unit (NIU)
- Robbery
- Sex Crimes
- Special Investigations Division (SID) (i.e., gang-related crimes, hate crimes, dignitary protection)

Each section consists of five to 21 Inspectors and is supervised by a Lieutenant. The Captain of Investigations oversees the entire Division.

There is also a Narcotics Division, which conducts undercover investigations aimed at arresting drug dealers and confiscating drugs and other paraphernalia used in the commission of such crimes. The Captain of Narcotics Division also oversees the Vice Crimes Unit, which is responsible for the investigation of cases involving prostitution, gambling, bookmaking, permits and liquor law enforcement.

The Juvenile Division, which is part of the Investigations Bureau but headed by a separate Captain, consists of four sections: Missing Persons, Child Abuse

Office of the Budget Analyst

(including physical and sexual abuse, kidnapping, child pornography and severe neglect), Juvenile Offender, and Youth Programs.

The Forensics Division, which is headed by the non-sworn Director of Forensics, consists of Crime Scene Investigations, the Photo Lab, the Identification Bureau, the Polygraph Unit, the Technical Services Unit and the Crime Laboratory.

Based on the Police Department's Personnel Distribution Report of March 9, 1998, the number of assigned sworn and civilian personnel, by division, is as follows:

<u>Division</u>	<u>Sworn</u>	<u>Civilian</u>	<u>Total</u>
Investigations Admin.	9	1	10
General Investigations	153	11	164
Narcotics	57	1	58
Juvenile	34	1	35
Special Investigations*	56	3	59
Forensics	<u>36</u>	<u>51</u>	<u>87</u>
Total	345	68	413

* Includes personnel assigned to Vice Division

Appointments to the Investigations Bureau are made at the Assistant Inspector level through a written and oral examination process. Any Sergeant or Police Officer with at least three years of experience is eligible to take the competitive examination for the rank of Assistant Inspector. Once appointed, promotion to the rank of Inspector is automatic after two years.

While there are 313 authorized Inspector positions in the Police Department, currently only 182 Inspector positions are filled. In order to alleviate the shortage of Inspectors, the Department has been temporarily assigning Sergeants and Police Officers, ranks that are normally assigned to patrol duties, to the Bureau of Investigations. As a result, despite the shortage of Inspectors, 345 of the 348 authorized sworn positions in the Investigations Bureau were filled as of March 9, 1998. In addition, although the Inspectors exam was originally scheduled for September of 1997, as of the writing of this report, it was scheduled to begin on April 14, 1998 (see section in Introduction regarding the Consent Decree), which should help to alleviate the shortage of Inspectors.

The average length of service for existing Inspectors is 23 years, and 66 percent of Inspectors have worked at least 20 years for the SFPD. While this means that the Inspectors currently assigned to the Bureau have a great breadth of experience to offer, the Department may face serious problems over the next seven to 10 years as

these highly experienced Inspectors retire and are replaced by new Inspectors who have less investigative experience.

Case Assignments

Exhibit 1.1 on the following page illustrates the investigative process from the assignment of the case through its disposition.

Most cases, particularly in the General Investigations Division, are received through the reporting of crime incidents to the Patrol Division through Central Dispatch (911). Each case is given a report number and then routed to the appropriate section in the Inspectors Bureau. In the Juvenile Division, many cases are also generated by referrals from the Department of Human Services' (DHS) Child Abuse Hotline and by calls from citizens to the Department's missing persons phone number. Unlike the General Investigations and Juvenile Divisions, the cases in the Narcotics/Vice Crimes Division are often self-generated.

The General Investigations and Juvenile Divisions

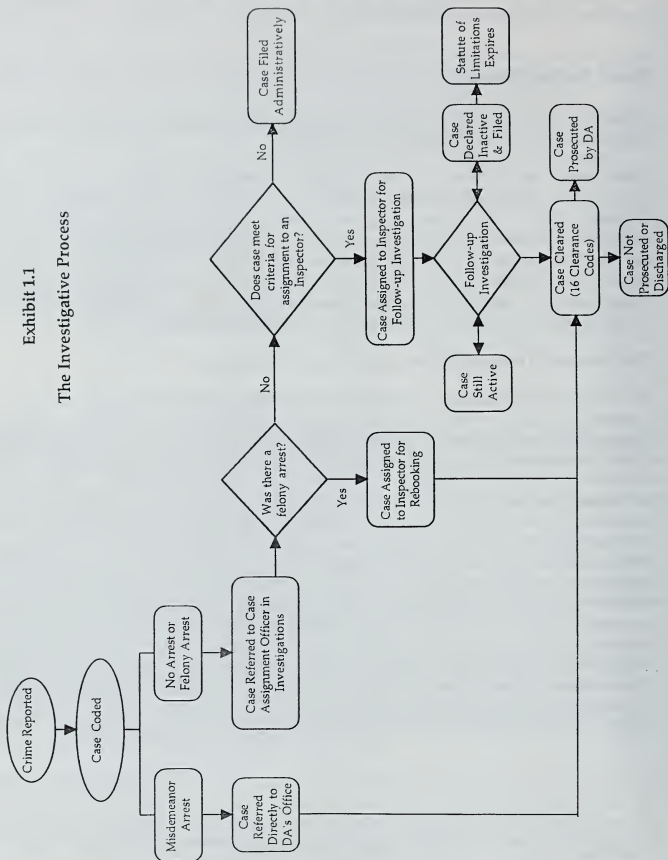
The General Investigations and Juvenile Divisions have assignment officers who receive and assign cases to Inspectors within each section. It is the assignment officer's responsibility to determine whether and to whom a case should be assigned. Cases are divided between felony rebookings and other cases ("suspect cases").

All felony rebooking cases are automatically assigned to Inspectors. A felony rebooking is the process in which an Inspector presents the case against a person who has already been arrested for review by a District Attorney. A rebooking is required when a person has been "booked" (arrested) without a warrant on a felony charge by a sworn member of the Police Department.³ A rebooking involves corroborating the arresting Police Officer's incident report through interviews with the suspect, victim, witnesses and arresting Officers. The District Attorney then decides what charges, if any, to file for prosecution against the suspect. Because the suspect must be arraigned within 72 hours after being arrested, the law requires that a rebooking be performed within 48 hours after an arrest. Because of this time constraint, a rebooking takes precedence over all other work. As such, an Inspector who is assigned a rebooking stops all other work and rebooks the suspect.

³ It should be noted that the Police Department performs rebookings for felony arrests only, while misdemeanor arrests are rebooked by staff in the District Attorney's Office.

Exhibit 1.1

The Investigative Process



The General Investigations and Juvenile Divisions also receive cases in which there is no initial arrest and a rebooking is therefore initially unnecessary ("suspect cases"). Suspect cases are either assigned to an Inspector or filed administratively. As defined by the Police Department, cases filed administratively are cases which are logged, indexed and stored without action, i.e., the case is not assigned to an Inspector for a follow-up investigation. According to the Police Department, cases may be filed administratively because the case has already been resolved, or because of the absence of investigative leads, high workload, staff shortages, the victim has requested no further action, or for some other reason.⁴ Cases which are not assigned due to the lack of investigative leads are filed administratively unless and until new information becomes available regarding the case.

In suspect cases which are assigned, the Inspector is responsible for investigating the crime, identifying and locating potential suspects and obtaining any necessary arrest and/or search warrants from the District Attorney. However, because rebookings take precedence over suspect cases and activities related to suspect cases must be deferred until after rebookings have been completed, Inspectors must often incur overtime in order to work on suspect cases. According to the Police Department, approximately 80 percent of investigative overtime results from activities related to suspect cases.

Narcotics and Vice Crimes

Unlike the General Investigations and Juvenile Divisions, the cases in the Narcotics/Vice Crimes Division are often self-generated. Investigators are expected to take a proactive role in identifying and tracking down potential suspects through the extensive use of informants. In addition, the Narcotics Division also receives general enforcement orders from the Chief of Police and responds to citizen complaints. Due to the large number of narcotics-related arrests in San Francisco, the Narcotics Division has its own special Rebooking Unit, which is responsible for rebooking suspects arrested for drug offenses by patrol officers assigned to the district stations.

Workload Data

Based on workload data provided by the Investigations Bureau, the General Investigations and Juvenile Divisions receive an estimated 117,681 cases per year.⁵

⁴ The number of cases filed administratively for each of these reasons is not tracked by the Police Department.

⁵ Data on the number of cases received was not available for the Narcotics/Vice Crimes Division.

Of this number, 90,535 cases (77 percent) are filed administratively and therefore not investigated by an Inspector. The remaining 27,146 cases (23 percent) are assigned to Inspectors in the General Investigations and Juvenile Divisions for follow-up investigations. This figure consists of 10,285 rebookings (38 percent) and 16,861 suspect cases (62 percent). In addition, an additional 9,501 felony rebooking cases are assigned to Inspectors in the Narcotics Division and Vice Crimes Unit, for a total of 19,786 rebookings assigned per year for all investigative units. Additionally, a number of self-generated cases are investigated by personnel in the Narcotics Division and Vice Crimes Unit.

The Disposition of Assigned Cases

There are two possible outcomes for cases which have been assigned to an Inspector. Cases are either "cleared", and eventually closed, or inactivated. Cases which are inactivated remain unresolved and the records are eventually destroyed once the statute of limitations for the particular offense(s) involved expires.

As defined by the State Department of Justice (DOJ), an offense is "cleared" for crime reporting purposes when at least one person is arrested, charged with the commission of the offense and turned over to the court for prosecution or cited to juvenile authorities. Additionally, according to the DOJ's definition, a case can be counted as an "Exceptional Clearance" when the Police have definitively identified the offender, have enough information to support an arrest and know the location of the offender, but for some reason cannot take the offender into custody. An example is a case in which a suspect is deceased. The San Francisco Police Department uses the following 16 clearance codes:

#1 Allegation Unfounded	#9 Prosecuted for Lesser Offense
#2 Juvenile Admonished	#10 DA Refuses to Prosecute
#3 Juvenile Diverted	#11 Complainant Refuses to Prosecute
#4 Juvenile Cited	#12 Not Prosecuted
#5 Juvenile Booked	#13 Exceptional Clearance
#6 Adult Booked	#14 Psychopathic Case
#7 Adult Cited	#15 Juvenile Clearance
#8 Prosecuted by Outside Agency	#16 Person Located

All rebookings are considered cleared by the Police Department, regardless of the final outcome of the case. Rebookings therefore can only receive Clearance Code #6 (Adult Booked), since they involve an arrest. On the other hand, suspect cases can be cleared by any one of the 16 clearance codes. For example, if a suspect is identified, the Inspector will request an arrest warrant from the DA. If a warrant is issued, and the suspect is arrested, the case is cleared using Clearance Code #6

(Adult Booked). If the DA declines to issue a warrant, the case is cleared using Clearance Code #10 (DA Refuses to Prosecute). The most frequently used clearance codes by the Police Department are Code #6 (Adult Booked), Code #10 (DA Refuses to Prosecute), Code #11 (Complainant Refuses to Prosecute), Code #12 (Not Prosecuted) and Code #8 (Prosecuted by Other Agency, e.g. the California Department of Corrections).

The Acceptance of Cases for Prosecution⁶

All cases which are cleared are not necessarily prosecuted or convicted. For example, although all rebookings are counted as clearances, these cases are not necessarily prosecuted by the DA. The DA often chooses to discharge (e.g., dismiss) the case and not prosecute a rebooked suspect. In such instances, the suspect is released and no further investigation takes place. As such, the case is cleared but may not be prosecuted since proof of guilt has not been clearly established. The DA may discharge a rebooking using one of the DA's 46 discharge codes based on witness and evidence problems, the admissibility of evidence and other general categories.

In addition, suspect cases that are cleared by the Police Department are not necessarily prosecuted by the District Attorney's Office. In fact, the majority of cleared suspect cases are not prosecuted by the DA, primarily because the DA or the complainant refuses to prosecute. Suspect cases that are cleared by the Police Department but not prosecuted by the DA do not receive a discharge code.

Based on data collected from the Investigations Bureau and on the results of our sample of suspect cases, we prepared Table 1.1 below, which shows workload and performance data for the General Investigations Division⁷ on an annual basis.

⁶ The performance measures cited throughout the following section may differ slightly depending on the source of data used (e.g., State criminal justice statistics versus data from our case sample). Additionally, close attention must be given to which SFPD investigative division (General Investigations, Juvenile or Narcotics) is being discussed.

⁷ This data concerning the disposition of rebookings and suspect cases is from the General Investigations Division only, as data regarding the disposition of suspect cases in the Narcotics/Vice Crimes and the Juvenile Divisions was not available.

Table 1.1

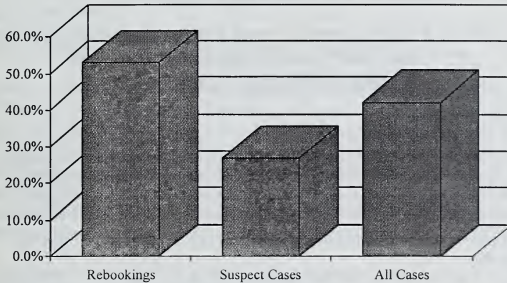
**Annual Workload and Performance Data for the
General Investigations Division, 1993 - 97**

	<u>Rebookings</u>	<u>Suspect Cases</u>	<u>Total</u>
Cases Received	10,216	98,242	108,458
Cases Assigned	10,216	10,777	20,993
Cases Filed Administratively	0	87,465	87,465
Cases Assigned	10,216	10,777	20,993
Cases Cleared	10,216	7,464	17,680
Cases Still Pending/Inactivated	0	3,313	3,313
Cases Cleared	10,216	7,464	17,680
Cases Prosecuted by DA	5,416	2,008	7,424
Cases Not Prosecuted by the DA*	4,800	5,456	10,256

* These represent rebookings discharged by the DA and suspect cases which are cleared but not prosecuted by the DA.

Table 1.1 above shows that there are approximately 20,993 cases assigned to Inspectors in the General Investigations Division annually, consisting of 10,216 rebookings (49 percent) and 10,777 suspect cases (51 percent). Of the assigned cases, 17,680 cases or 84 percent are cleared by Inspectors. However, although 84 percent of assigned cases are cleared, only 7,424 cases or 42 percent of the cases cleared (35 percent of cases assigned) result in prosecution by the District Attorney's Office. As a result, there are an estimated 10,256 cases per year (58 percent of cleared cases and 49 percent of assigned cases), which are cleared by the Police Department but which are not prosecuted by the DA. Exhibit 1.2 below shows the number of rebookings, suspect cases and total cases prosecuted by the District Attorney as a percentage of cleared cases for the General Investigations Division.

Exhibit 1.2

**No. of Cases Prosecuted as a Percentage of Cases Cleared
General Investigations Division, 1993 - 97**

Although 100 percent of rebookings are cleared by the Police Department, as illustrated in Exhibit 1.2, only 53 percent of rebookings are prosecuted by the DA. Additionally, while 69 percent of assigned suspect cases are cleared by the Police Department, only 27 percent of such cases are prosecuted by the DA. Overall, as noted above, only 42 percent of the cases assigned and cleared by the Police Department result in prosecution by the DA.

As such, the clearance rate is not an accurate measure of a jurisdiction's success in prosecuting and convicting suspects. A better measure of the City's performance in prosecuting and convicting suspects is how many of the cases assigned to Inspectors result in the formal filing of charges by the District Attorney's Office against a suspect arrested by the Police Department.

Comparison of San Francisco's Filing Rate to other California Jurisdictions

In order to compare San Francisco's rate of prosecution with other California jurisdictions, we reviewed statistics on felony arrests and filing rates published by the State Department of Justice and the Judicial Council of California. Based on these statistics, only one-half of the felony arrests presented by the Police Department to the DA result in the filing of formal charges against a suspect. This is compared to the overall filing rate of 74 percent for all jurisdictions Statewide. As such, the San Francisco DA files charges in relatively fewer felony arrest cases

than in other California jurisdictions. Table 1.2 below shows the number of crimes and felony arrests and the number of felony and criminal filings in Municipal and Superior Court as a percentage of felony arrests in 1995 for San Francisco and other California jurisdictions.

Table 1.2

**Crime Rates, Felony Arrests and Filing Rates in San Francisco
and Law Enforcement Agencies in
Other California Counties, 1995**

	<u>Alameda</u>	<u>Contra Costa</u>	<u>Santa Clara</u>	<u>San Mateo</u>	<u>Median of Top 12 CA Counties (exc. SF)*</u>	<u>Statewide Total</u>	<u>San Francisco</u>
Population	1,362,900	883,400	1,607,700	686,909	1,378,200	31,878,234	735,315
CA Crime Index**	46,651	19,750	26,477	9,617	46,662	939,132	26,548
CCI per 100,000							
Population	2,934.6	2,063.2	1,440.6	1,109.9	2,569.5	2,558.9	3,350.3
Felony Arrests	14,606	13,722	22,831	6,103	21,634	550,964	23,451
Felony Arrest per							
100,000 Population	1,071.7	1,553.3	1,420.1	888.5	1,486.0	1,728.3	3,189.2
DA Filings	13,795	9,953	20,721	4,991	17,738	406,905	11,774
Filings as % of Felony							
Arrests	94.4%	72.5%	90.8%	81.8%	82.0%	73.9%	50.2%
No. of Convictions	4,578	3,953	7,903	2,061	5,650	141,979	4,446
Convictions as % of							
Felony Filings	33.2%	39.7%	38.1%	41.3%	37.8%	34.9%	37.8%

* Consists of Los Angeles, Alameda, Fresno, Contra Costa, Sacramento, Riverside, Orange, Ventura, Santa Clara, San Mateo, San Diego and San Bernardino Counties.

** The California Crime Index (CCI) is a group of offenses chosen to serve as index for gauging fluctuations in the overall volume and rate of crime. These offenses include willful homicide, forcible rape, robbery, aggravated assault, burglary and motor vehicle theft.

Table 1.2 shows that San Francisco's felony filing rate is significantly lower than other Bay Area counties and the median and Statewide filing rates. Table 1.2 also shows that San Francisco has a higher crime rate and a higher felony arrest rate per 100,000 population than other California jurisdictions. Thus, although San Francisco's felony filing rate is lower than in other jurisdictions, this may be in part because of the high crime and felony arrest rates in San Francisco as compared to other California jurisdictions.

However, Table 1.2 also illustrates that the San Francisco DA's Office has a conviction rate (the number of convictions as a percentage of filings) which is close to other Bay Area counties, the median of the top 12 California counties, and the Statewide conviction rates. Thus, although the San Francisco DA turns down many more cases for prosecution than other jurisdictions, the conviction rate in San Francisco, which would be expected to be higher, is no higher than in other large California jurisdictions.

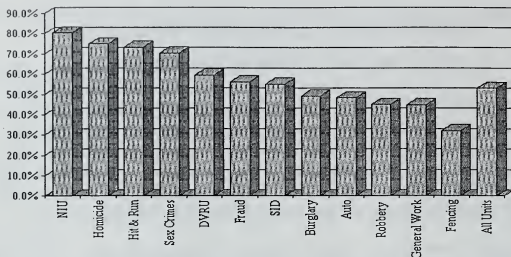
The Filing of Charges by the DA in Felony Rebooking Cases

As reflected in Table 1.1, there are 10,216 felony rebookings assigned to Inspectors in the General Investigations Division per year. In addition, another 9,570 rebookings are performed by the Narcotics/Vice Crimes and Juvenile Divisions, for a total of 19,786 rebookings performed per year by the Police Department. While all 19,786 of these rebookings are automatically cleared by the Police Department, based on data from the DA's Intake Unit, only 10,103 or 51 percent of these cases are accepted by the DA for prosecution. The remaining 49 percent or 9,683 rebookings are discharged, and are therefore not prosecuted by the DA.

Based on statistics provided by the DA's Felony Rebooking Intake Unit, Exhibit 1.3 below shows the individual performance of investigative units of the General Investigations Division with regard to felony rebookings. Also based on data from the DA's Felony Rebooking Intake Unit, Exhibit 1.4 compares the percentage of felony rebookings filed by division for the General Investigations Division, the Juvenile Division, Narcotics and Vice Crimes.

Exhibit 1.3

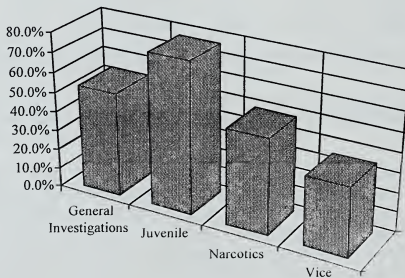
**% of Felony Rebookings Accepted by DA for Prosecution
General Investigations Division Units, FY 1996 - 97**



NIU=Night Investigations Unit; DVRU=Domestic Violence Response Unit; SID=Special Investigations Division

Exhibit 1.4

**Percentage of Felony Rebookings Accepted by DA for
Prosecution for General Investigations, Juvenile, Narcotics and
Vice Crimes, FY 1996 - 97**



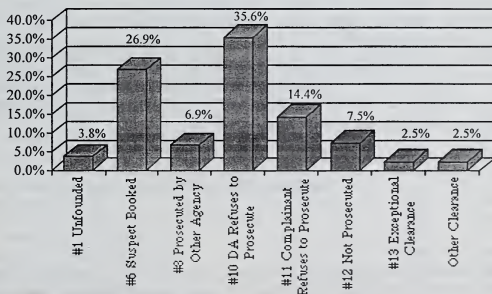
As illustrated in Exhibits 1.3 and 1.4, the investigative units with the highest filing rates for rebookings are Night Investigations (81 percent), Juvenile (77 percent) and Homicide (75 percent). The investigative units with the lowest filing rates for rebookings are Fencing (32 percent), Vice (35 percent) and General Work (45 percent). As discussed in Section 1.1, the higher filing rates for Night Investigations, Juvenile and Homicide may in part result from their practice of deploying Inspectors to more crime scenes than under investigative units.

The Prosecution of Suspect Cases

As reflected in Table 1.1, of the 10,777 suspect cases assigned to Inspectors per year, 7,464 cases or 69 percent are cleared. However, only 2,008 or 27 percent of these cases are cleared due to the arrest of a suspect. Such cases involve the warrant arrest of a suspect who is subsequently prosecuted by the DA (rebookings are not required for warrant arrests). The remaining 73 percent or 5,456 cleared cases are cleared using other clearance codes and are therefore not prosecuted by the DA. Based on our sample of suspect cases, Exhibit 1.5 illustrates the distribution of clearance codes for suspect cases in the General Investigations Division.

Exhibit 1.5

**Distribution of Clearance Codes for Suspect Cases
Cleared as a % of Total Clearances,
General Investigations Division 1994-1997**



Reasons for San Francisco's Low Prosecution Rate

There have been numerous possible reasons cited as to why San Francisco has such a low filing rate compared to other jurisdictions. However, these reasons are primarily anecdotal and often cannot be substantiated. For example, according to the DA's Office, San Francisco juries are harder to convince of a suspect's guilt than juries in other counties. In addition, San Francisco has one of the highest per capita crime rates and the highest per capita arrest rate (particularly for narcotics offenses) in the State, resulting in a large volume of cases which must be funneled through the criminal justice system. Other reasons cited by the DA and former staff of the Mayor's Office include the poor quality of police reports, bad arrests, the lack of investigative skills possessed by patrol officers, the absence of Inspectors at most crime scenes and the under-utilization of PC Section 849(b)⁸ by the Police Department. Additionally, the DA's standard for accepting cases for prosecution is very rigorous.

In order to identify specific reasons as to why cases are not prosecuted, we analyzed the distribution of District Attorney discharge codes for rebookings discharged by the DA in our sample of rebookings. In addition, for the suspect cases which were cleared using Clearance Code #10 (DA Refuses to Prosecute) in our case sample of suspect cases, we reviewed each case file in order to determine, if possible, which discharge code the case would have received if the case had been assigned a discharge code by the DA. Table 1.3, on the following page, exhibits the results of our analysis on an annualized basis. This table also includes data for suspect cases which were cleared but not prosecuted and which were assigned a clearance code other than #10.

As reflected in Table 1.3, of the 10,256 cases that are not prosecuted each year, 5,906 cases (58 percent) are presented by the Police Department to the DA for prosecution but are refused. An additional 2,064 cases (20 percent) are referred by either the DA or the SFPD to other outside agencies for prosecution, such as the California Department of Corrections (CDC). The remaining 2,286 cases (22 percent) are cases that are not presented to the DA but are still cleared by the SFPD, and therefore do not result in prosecution.

⁸ Penal Code Section 849(b) authorizes the Police Department to release an arrested person from custody based on insufficient grounds for filing a criminal complaint against that person, or because that person was under the influence of alcohol or drugs and no further action is desirable. PC 849(b) is discussed in further detail in Section 1.5 of this report.

Table 1.3

**No. of Cases Not Prosecuted by Reason on an Annualized Basis,
General Investigations Division 1994 - 97**

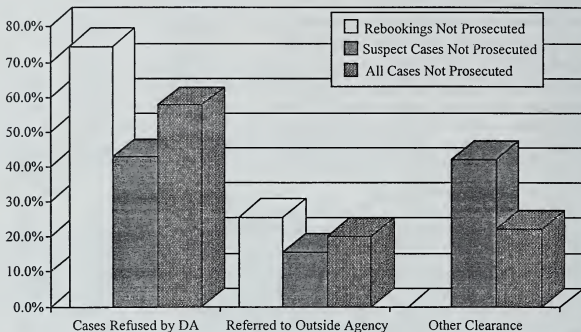
District Attorney Discharge Code (DC)/ SFPD Clearance Code (CC)	Rebookings Not Prosecuted	Suspect Cases Not Prosecuted	Total Cases Not Prosecuted	% of Cases Not Prosecuted
Cases Refused by DA for Prosecution:				
<u>General:</u>				
Lack of Corpus (DC #20)	131	280	411	4.0%
Criminal Responsibility of Another (DC #25)	44	46	90	0.9%
Further Investigation Needed (DC #27)	87	0	87	0.8%
Exonerated Through Further Investigation (DC #28)	0	46	46	0.4%
Interest of Justice (DC #29)	218	140	358	3.5%
Violation that does not Justify Expense (DC #29a)	436	0	436	4.3%
Subtotal - General	916	512	1,428	13.9%
<u>Witness/Evidence Problems:</u>				
Formal Statement Required (DC #24c)	349	233	582	5.7%
Defendant Not Identified/Identification Speculative (DC #24d)	44	46	90	0.9%
Whereabouts of Witness Unknown (DC #30)	349	93	442	4.3%
Witness Declined to Proceed (DC #31)	436	46	482	4.7%
Lack of Corroboration (DC #24l)	742	93	835	8.1%
Unable to Prove Knowledge (DC #24m)	218	140	358	3.5%
Witness/Evidence Problem - Not Specified (DC #24)	349	233	582	5.7%
Subtotal - Witness/Evidence Problem	2,487	884	3,371	32.9%
<u>Other Cases Refused by DA:</u>				
Rebooking Discharged (CC #6) - No Reason Cited	175	0	175	1.7%
DA Refused to Prosecute (CC #10) - No Reason Cited	0	932	932	9.1%
Subtotal - Other Cases Refused by DA	175	932	1,107	10.8%
Total - Cases Refused by DA for Prosecution	3,578	2,328	5,906	57.6%
Cases Referred to Other Agency by DA or SFPD:				
Released to Other Agency/Jurisdiction (DC #36)	611	140	751	7.3%
Proceed to Revoke Probation (DC #83)	611	187	798	7.8%
Prosecuted by Other Agency (CC #8)	0	515	515	5.0%
Total - Cases Referred to Other Agencies	1,222	842	2,064	20.1%
Other Suspect Cases Cleared but not Prosecuted:				
Unfounded (CC #1)	0	284	284	2.8%
Complainant Refused to Prosecute (CC #11)	0	1,075	1,075	10.5%
Not Prosecuted (CC #12)	0	560	560	5.5%
Exceptional Clearance (CC #13)	0	187	187	1.8%
Other Clearance	0	180	180	1.7%
Total - Other Clearances	0	2,286	2,286	22.3%
TOTAL CASES NOT PROSECUTED	4,800	5,456	10,256	100.0%

Table 1.3 also demonstrates that the most likely reason why the DA is refusing cases is because of evidence and witness problems (32.9 percent), such as “formal statement is required” and the lack of corroboration (see Sections 1.3 and 1.6 on report writing and the case review process for specific findings and recommendations regarding these issues). In addition, 10.5 percent of the cases are not prosecuted because the complainant refuses to prosecute.

Exhibit 1.6 below summarizes the data from Table 1.3 in graphic form.

Exhibit 1.6

Cases Not Prosecuted by Reason as % of Total Cases Not Prosecuted, General Investigations Division 1994 - 97



Through our field work, we identified several conditions and practices of both the Police Department and the DA's Office which may be contributing to San Francisco's low prosecution rate. These include:

- the lack of interaction between the investigative and patrol functions;
- an uneven workload distribution among the investigative units;
- the quality of police report-writing;

- the DA's high charging standard;
- poor tracking and reporting of workload and performance measures; and
- the absence of a formal case review process.

This section of the report is divided into six subsections, consisting of six findings, 15 recommendations and one policy option. These six subsections are:

- Section 1.1: Interaction between the Investigative and Patrol Functions
- Section 1.2: Workload and Organization
- Section 1.3: Police Report Writing
- Section 1.4: The DA's Standard for Charging Cases
- Section 1.5: Penal Code Section 849(b)
- Section 1.6: Record-Keeping and the Case Review Process

Implementation of our recommendations would result in the following benefits and savings:

- Improved interaction between the investigative and patrol functions; expanded involvement of Inspectors in the preliminary investigation process and a potential increase in the number of cases accepted by the DA for prosecution.
- Cross-training of Inspectors and increased flexibility to reassign staff between investigative units.
- A more equitable workload distribution and more effective investigation of cases.
- Improved police report writing.
- Improved record-keeping and the reporting of accurate statistics to the public.
- An improved case review and performance evaluation process.
- Greater interaction between the Investigations Bureau, the Field Operations Bureau and the District Attorney's Office.
- Potential additional costs of \$84,368 annually, offset by \$243,286 in annual savings, for a net savings of \$158,918 per year to the City.

1.1 Interaction between the Investigative and Patrol Functions

- Investigative units that deploy Inspectors to crime scenes have an average filing rate for felony rebookings of 78 percent, versus the average of 50 percent for other investigative units, thereby demonstrating that the presence of Inspectors at crime scenes may contribute to the higher filing rates of certain investigative units.
- In other investigative units, there is minimal interaction between the investigative and patrol functions of the Police Department. As a result, patrol personnel do not have a comprehensive understanding of the investigative process and Inspectors are excluded from preliminary investigations.
- In order to improve the interaction between investigations and patrol, Inspectors should be available to provide assistance to patrol personnel on a 24-hour basis and, when necessary, to respond to crime scenes. Additionally, the Department should resume the rotation of patrol Sergeants through the Inspectors Bureau in order to provide them with a first-hand view of the investigation process.

One characteristic of the current organization of the Police Department is that there is little interaction between the investigative function, performed by Inspectors, and the patrol function, performed by Police Officers and Sergeants. The two functions are separated into two distinct bureaus, each overseen by its own Deputy Chief. Inspectors rarely return to patrol assignments, and Police Officers and Sergeants have minimal involvement in the rebooking and follow-up investigation process. Inspectors are centrally located at the Hall of Justice, whereas patrol personnel are deployed at the 10 district stations.

As a result, patrol personnel do not have a comprehensive, first-hand understanding of what is required by the DA to mount a successful prosecution, and the Inspectors who do possess this understanding are unable to share this knowledge because they are isolated at the Hall of Justice. For example, a Coro Foundation study concluded that patrol officers do not always see the connection between the preliminary report they write, the Inspector's investigation of that case and the DA's decision whether or not to press charges against the suspect. As such,

Section 1.1 Interaction between the Investigative and Patrol Functions

they may not realize that a poorly written Police report may result in the release of the main suspect in that case.¹

The Effect of Having Inspectors Present at the Crime Scene

Since most crime incidents occur during non-business hours, the Homicide and Sex Crimes sections and the Juvenile Division have on-call Inspectors who respond to incidents that occur during evening and night-time hours. Inspectors from the Night Investigations Unit also respond to crime scenes for some of the other types of crime incidents which occur at night. These Inspectors are able to obtain a first-hand view of the crime scene and the evidence, assist Police Officers in interviewing victims and witnesses at the scene, and ascertain what work must still be done in order for the DA to file formal charges against the arrested person (if there is one) or to identify, apprehend and prosecute a suspect.

On the other hand, investigative personnel assigned to the other 11 investigative sections do not typically attend the crime scene immediately after the crime has occurred. Rather, if the incident occurs at night, Inspectors in these units are assigned the case for follow-up investigation the following morning. In cases which require the rebooking of a suspect, this means that the arrestee has already spent one night in jail before the Inspector who is assigned the case has a chance to talk to him/her, or anyone else related to the case. In addition, by this time, the crime scene has been cleared, victims and witnesses have dispersed, and any evidence gathered has already been booked into Property Control for safe-keeping. The Inspector must rely on the Police Officer's incident report in order to gain some understanding as to what may have occurred and in order to be able to visualize the crime scene without the benefit of having been there himself/herself.

Given these circumstances, it is worth noting that, based on statistical data provided by the Police Department, the four investigative sections in which there are Inspectors available to immediately respond to crime scenes, thereby increasing their interaction with patrol personnel and their involvement in the preliminary investigation process, have among the highest DA filing rates for rebookings. As illustrated in Exhibits 1.3 and 1.4 from Section 1, the Night Investigations, Juvenile, Homicide and Sex Crimes Units have filing rates for rebookings of 80.5 percent, 77.3 percent, 75.0 percent and 70.4 percent, respectively, versus the mean of only 49.8 percent for the other 11 investigative units. This demonstrates that the presence of Inspectors at crime scenes may be a contributing factor to the higher

¹ Hatamiya, Leslie, "The Impact of Proposition 115 on the San Francisco Police Department," Coro Foundation, October, 1990.

Section 1.1 Interaction between the Investigative and Patrol Functions

filing rates for these investigative units. The Police Department may wish to perform further evaluation in this area.

Increasing Interaction Between Inspectors and Patrol Officers

In order to increase the presence of Inspectors at the district stations and the interaction between the patrol and investigative functions, one option would be to assign Inspectors to each district station on a 24-hour basis. These Inspectors could perform "triage" by responding to requests for assistance via radio from patrol officers in the field, assessing the situation, and determining whether assistance can be provided via radio or whether a more experienced patrol officer, or even an Inspector, should be deployed to the scene. By providing assistance via radio, the Inspector could provide input as to what the DA needs in order to file charges against the suspect and assist in writing the Police report. In more complex cases, this Inspector could notify the appropriate investigative unit at the Hall of Justice, or, if the incident occurred during evening or night-time hours, the Night Investigations Unit, and request that an Inspector from that unit be deployed to the scene. In addition, the Inspector, along with the Sergeant on duty, would be able to review each arrest case and possibly weed out the cases which have little chances of success.

The Police Department should be able to implement this triage function using existing staff from the Inspectors Bureau, especially given the pending Inspectors exam, which was scheduled to begin on April 14, 1998, allowing the Department to fill at least 100 vacant Inspector positions. To implement this plan, the Department could, through a meet and confer process, establish two 12.5-hour shifts at each district (e.g., 6 pm to 6:30 am and 6 am to 6:30 pm). Inspectors from each unit in the Investigations Bureau (with the exception of Homicide, Sex Crimes and Juvenile) could be rotated through the triage posts for a three to six-month period.

The estimated number of Inspectors needed to work two shifts per day, seven days per week, at each district station, based on the standard relief factor of 2.8 positions per post, would be a maximum of 56 Inspectors. Assigning 56 Inspectors to the district stations could result in an increase in the caseload for Inspectors still working at the Hall of Justice of up to an additional 7.5 cases per month. In addition, the estimated cost of nightshift differential premium for 12 hours of the day for 10 posts, 365 days per year, based on 6.25 percent of an Inspector's base hourly rate of \$30.82, would be approximately \$84,368 per year. However, in order to minimize these costs, the Police Department could assign existing Sergeants at the district stations who hold the dual rank of Sergeant/Inspector, and who have

Section 1.1 Interaction between the Investigative and Patrol Functions

prior experience working in the Inspectors Bureau, to the triage function. Additionally, due to the lower calls for service activity at some of the district stations, such as Richmond, Taraval and Park, the Department could require one Inspector at one of these district stations to also perform triage for one or two other district stations.

Assigning Inspectors to district stations would increase the interaction between the investigative and patrol functions, expand the involvement of Inspectors in the preliminary investigation process and contribute to increasing the number of cases accepted by the DA for prosecution.

Other options for implementing this triage function could be:

- Designating specific Inspectors, who would remain with their units in the Hall of Justice, to field calls from Officers in the field who need assistance or have questions on how to proceed with an investigation;
- Creating a specialized unit of Inspectors at the Hall of Justice, who would serve as triage Inspectors, working with the Sergeants and Officers in the field, and assigning these Inspectors to shifts which provide coverage 24 hours per day, seven days per week; or
- Establishing on-call procedures for each of the 11 investigative sections that do not currently have on-call Inspectors, which will ensure that there are Inspectors available to answer questions and to go to crime scenes when Patrol Officers deem it necessary.

Each of these three alternative options for implementing a triage function could be accomplished with existing staff and resources after going through a meet and confer process to establish work rules and conditions. For example, during the day, designated Inspectors could respond to calls from field units during regular working hours, while at night, this would be the responsibility of Inspectors in the Night Investigations Unit, thereby resulting in 24-hour coverage at no additional cost.

Involving Patrol Personnel in the Investigative Process

In addition to assigning Inspectors to the district stations, patrol Sergeants and Police Officers should gain a more comprehensive, first-hand understanding of the investigation and prosecution processes. One way of accomplishing this is to restore a pilot program previously conducted by the Police Department and the DA's Office, in which patrol Sergeants from the district stations were rotated through each section of the Inspectors Bureau over a two-week period. Sergeants were thereby

Section 1.1 Interaction between the Investigative and Patrol Functions

familiarized with the investigative process and the DA's role and were able to obtain a first-hand understanding of what is needed in order to successfully rebook a suspect and/or prosecute a case. The Sergeants could then return to their respective district stations and share this knowledge with the patrol officers through roll-call and training sessions. Re-establishing this practice of Sergeants rotating through the Inspectors sections and then sharing their knowledge with patrol officers, would also improve field supervision at crime scenes. As such, the Police Department should make this pilot program a normal practice by regularly detailing three or four patrol Sergeants at a time from different district stations to the Inspectors Bureau for a two-week period once every two years.

Conclusions

Investigative units that deploy Inspectors to crime scenes have an average filing rate for felony rebookings of 78 percent, versus the average of 50 percent for other investigative units, thereby demonstrating that the presence of Inspectors at crime scenes may contribute to the higher filing rates of certain investigative units.

In other investigative units, there is minimal interaction between the investigative and patrol functions of the Police Department. As a result, patrol personnel do not have a comprehensive understanding of the investigative process and Inspectors are excluded from preliminary investigations.

In order to improve the interaction between investigations and patrol, Inspectors should be available to provide assistance to patrol personnel on a 24-hour basis and, when necessary, to respond to crime scenes. Additionally, the Department should resume the rotation of patrol Sergeants through the Inspectors Bureau in order to provide them with a first-hand view of the investigation process.

Recommendations

The Police Department should:

- 1.1.1 Through a meet and confer process with the Police Officers Association, establish two 12.5-hour shifts per day at the district stations for Inspectors, or employ one of the other three options for designating Inspectors to perform a triage type function in order to assist Patrol Officers at crime scenes.

Section 1.1 Interaction between the Investigative and Patrol Functions

The Deputy Chief of Investigations and the Deputy Chief of Field Operations should:

- 1.1.2 Establish a program in which Inspectors would be available to provide assistance to patrol personnel on a 24-hour basis, and, when necessary, to respond to crime scenes, in accordance with Recommendation 1.1.1 and the other guidelines included in this section.
- 1.1.3 Restore a program in which all patrol Sergeants from the district stations are rotated through each section of the Inspectors Bureau over a two-week period every two years.

Costs and Benefits

The estimated cost of assigning Inspectors to the district stations would be approximately \$84,368 per year for nightshift differential premium pay. The three other options for creating a triage function for Inspectors could be implemented using existing resources and staff.

Establishing a triage function for Inspectors by assigning Inspectors to the district stations or employing one of the other three options cited, and rotating patrol Sergeants through the Inspectors Bureau, would improve the interaction between the investigative and patrol functions, expand the involvement of Inspectors in the preliminary investigation process and contribute to increasing the number of cases accepted by the DA for prosecution.

1.2 Workload and Organization

- Investigative units do not have workload standards, nor do managers monitor the relative caseloads of investigative units. As a result, there is an inequitable caseload distribution among the investigative units of the Police Department. For example, investigators assigned to the Narcotics Division's rebooking unit each handle an average of 200 rebookings per month, versus an average caseload of less than one rebooking per month for Inspectors in the Homicide, Sex Crimes and Fencing Sections.
- The high caseload in some units has resulted in a focus by Inspectors on closing as many cases as quickly as possible, regardless of whether the DA accepts or refuses the case for prosecution, and often as a priority over expending additional time and resources to assist in the prosecution of suspects.
- In order to eliminate the inequitable workload distribution, the General Investigations Division should implement a cross-training program, create a Rebookings Unit and adjust staffing levels for the investigative units based on relative caseloads.
- The implementation of our recommendations could potentially result in a reduction of \$240,000 per year in investigative overtime, if efficiencies are realized.

Although the assignment of Inspectors to each investigative unit should reflect the relative caseload handled by each unit, we found wide variations in the caseload per Inspector among the different units. This can be explained, in part, by variations in the relative seriousness of different offenses (personal versus property crimes) handled by each investigative unit and also by the likelihood that certain types of cases can be cleared more quickly. For example, one would expect the Inspectors assigned to sections that handle personal crimes (e.g., homicide, sex crimes, assaults, robbery, etc.), which are generally more serious and more difficult to clear, to have relatively lower caseloads than Inspectors assigned to sections that handle property crimes (burglary, auto theft, fraud, fencing, etc.). Thus, as expected, the Homicide Section has a relatively low caseload per Inspector.

However, there are still large discrepancies in the caseload per investigator among investigative units which cannot be explained by these differences in the types of cases handled by each section. For example, although the General Work Section and the Night Investigations Unit handle similar types of cases, the caseload per

investigator in these two units varies significantly. In addition, the caseload per investigator is much higher in Sex Crimes than in Homicide, although these two Sections are responsible for investigating the most serious crimes. Although each section has a case assignment officer who is responsible for monitoring the caseload of individual Inspectors within that section, investigative units do not have workload standards, nor do managers within the Investigations Bureau monitor the relative caseloads of different investigative units.

Table 1.2-1, on the following page, shows the number of rebookings and suspect cases assigned per year for each investigative unit and the average monthly caseload per investigator, based on workload data provided by the Police Department.

As reflected in Table 1.2-1, investigators assigned to the Narcotics Division have the highest monthly caseload for rebookings. Overall, Table 1.2-1 shows that the average caseload per investigator for the 48 Narcotics officers is 16 rebookings per month. However, the rebooking caseload within the Narcotics Division is not evenly distributed. For example, the Narcotics Division's Rebooking Unit, which consists of three officers, handles an estimated 7,188 of the 9,296 felony narcotics rebookings per year, resulting in an average monthly caseload of 200 rebookings per officer. The other 45 investigators in the Narcotics Division, who also have a separate caseload of suspect and self-generated cases in addition to rebookings, handle the remaining 2,108 rebookings, for an average caseload of four rebookings per officer per month. According to the Police Department, despite the relatively high caseload of the Narcotics Rebooking Unit, the cases handled by the Narcotics Rebooking Unit are typically less complex, and can therefore be completed more quickly, than rebookings handled by other investigative units.

The Missing Persons Unit of the Juvenile Division has the highest average monthly caseload per investigator for suspect cases. However, according to staff from the Juvenile Division, the Missing Persons Unit's cases can usually be closed within a relatively short period of time (less than one hour) because the alleged missing person is often found relatively quickly without assistance from the Police Department.

Table 1.2-1

Average Annual Caseload by Unit and Average Monthly Caseload per Investigator, Investigations Bureau, 1993 - 1997

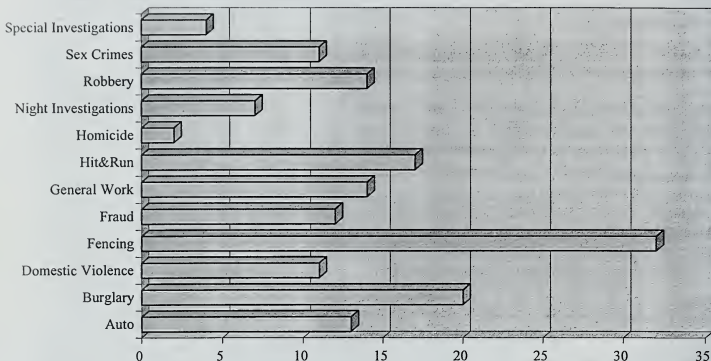
Investigative Unit	Annual Caseload by Unit			No. of Investigators*	Monthly Caseload per Investigator*		
	Rebook-ings	Suspect Cases	Total		Rebook-ings	Suspect Cases	Total
<u>General Investigations:</u>							
Auto	1,217	235	1,452	9	11	2	13
Burglary	2,356	1,608	3,964	16	12	8	20
Domestic Violence	1,891	388	2,279	18	9	2	11
Fencing	34	1,864	1,898	5	1	31	32
Fraud	787	1,419	2,206	15	4	8	12
General Work	1,739	705	2,444	14	10	4	14
Hit & Run	217	1,437	1,654	8	2	15	17
Homicide	22	140	162	12	0	1	1
Night Investigations	523	311	834	10	4	3	7
Robbery	889	1,219	2,108	12	6	8	14
Sex Crimes	128	951	1,079	8	1	10	11
Special Investigations	413	500	913	21	2	2	4
Total - General Invest.	10,216	10,777	20,993	148			
Average Caseload/Investigator - General Invest. Div.					6	6	12
<u>Juvenile:</u>							
Juvenile Offender	1	292	293	3	0	8	8
Child Abuse	68	1,041	1,109	12	1	7	8
Missing Persons	0	4,751	4,751	3	0	132	132
Total - Juvenile	69	6,084	6,153	18			
Average Caseload/Investigator - Juvenile Div.					0	28	28
<u>Narcotics/Vice:</u>							
Narcotics	9,296	n/a	n/a	48	16	n/a	n/a
Prostitution	197	n/a	n/a	10	2	n/a	n/a
Gambling	8	n/a	n/a	4	0	n/a	n/a
Other Vice	0	n/a	n/a	6	0	n/a	n/a
Total - Narcotics/Vice	9,501	n/a	n/a	68			
Average Caseload/Investigator - Narcotics/Vice Div.					12	n/a	n/a
<hr/>							
TOTAL	19,786	16,861	27,146	234	n/m	n/m	n/n

n/a = not available; n/m = not meaningful

* May consist of Inspectors, Sergeants and/or Police Officers.

Exhibit 1.2-1 below illustrates the large variation in caseload among the units in the General Investigations Division in graphic form.

Exhibit 1.2-1

**Comparison of Average Monthly Caseload per Investigator by
Unit, General Investigations Division, 1993 – 1997**

As illustrated in Exhibit 1.2-1, investigators assigned to the Fencing, Burglary and Hit and Run Sections have the highest monthly caseload, whereas investigators assigned to Homicide, Special Investigations and Night Investigations Sections have the lowest monthly caseload.

While the Narcotics Division is part of the Investigations Bureau, Exhibit 1.2-1 does not reflect data for Narcotics since it is separate from the General Investigations Division. However, as noted above, the officers assigned to the Rebooking Unit of the Narcotics Division each have an average monthly caseload of 200 felony rebookings per month, which is 17 times more than the average monthly rebooking caseload of investigators assigned to the Burglary unit (the unit with the second highest rebooking caseload per investigator), who handle 12 rebookings per month.

Effects of Inequitable Workload Distribution on Performance

Rebookings

Through our field work, we discovered that there appears to be a negative correlation between caseload and the DA's filing rate for rebookings. For example, the units with the highest caseloads for rebookings - Narcotics, Auto, Burglary and General Work - have relatively low filing rates for rebookings by the DA, as illustrated in Table 1.2-2.

Table 1.2-2

Investigative Units with the Highest Average Monthly per Investigator Caseload for Rebookings, versus the DA's Filing Rate, Investigations Bureau, 1993 - 1997

<u>Investigative Unit</u>	Rebookings per Investigator <u>per Month</u>	DA Filing <u>Rate</u>
Narcotics	200	49%
Burglary	12	49%
Auto	11	48%
General Work	10	45%

Because of the 48-hour time limit for filing charges against a suspect arrested by the Police Department, there is limited time available to work on rebookings. In addition, because of high number of rebookings which must be performed by Inspectors assigned to some units, such as Narcotics, Burglary and General Work, there is often pressure to close cases quickly so the Inspector can move on to the next case. In fact, based on the average number of hours rebooking cases remain open (as determined by our sample of rebooking cases from General Investigations units), and the productivity factor for Inspectors, we calculated that Inspectors spend an average of only 1.3 hours of actual productive time on each rebooking assigned to him/her.

Moreover, based on discussions with staff from the DA's Office, Inspectors sometimes pressure Assistant DAs to file or discharge rebookings quickly so that the Inspector will be able to complete the case within the 48-hour time limit. The DA's office advises that, for this reason, few rebookings are ever discharged using discharge code #27 - Further Investigation Needed. In our sample, we found that only 5.5 percent of rebookings discharged by the DA were given a #27 discharge code, or an estimated 264 of the 4,800 rebookings per year which are discharged by the DA in the General Investigations Division.

The combination of high caseloads and the 48-hour time limit for rebookings has resulted in a focus by Inspectors on closing as many cases as quickly as possible, regardless of whether the case is discharged or accepted by the DA, and often as a priority over expending additional time and resources to assist in the prosecution of suspects.

Suspect Cases

As with rebookings, our data indicate that, in part because of the inequitable workload distribution, there is pressure on Inspectors in some units to close cases as quickly as possible with little regard to outcome.

For example, in the six units in General Investigation Division that had the highest per investigator caseload of suspect cases (Burglary, Fencing, Fraud, Hit and Run, Robbery, Sex Crimes), cases were open an average of 18 days before being cleared, versus the median of 25 days for all cleared suspect cases. In most of the sections with the highest per investigator caseload of suspect cases, there also tended to be a relatively higher proportion of cases which the DA refused to prosecute than which were accepted by the DA for prosecution, as illustrated in Table 1.2-3.

Table 1.2-3

**Investigative Units with the Highest Caseloads of Suspect Cases, the Median Number of Days Cases Remain Open and the Percentage of Cleared Cases Accepted and Refused by the DA for Prosecution,
General Investigations Division, 1993 - 1997**

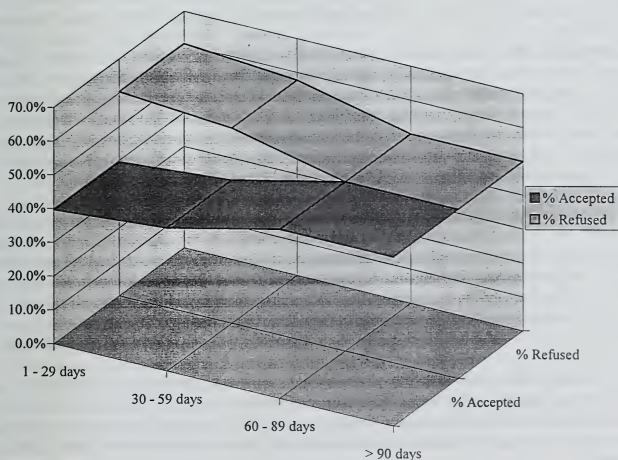
<u>Investigative Unit</u>	<u>Suspect Cases per Investigator per Month</u>	<u>Median No. of Days Cases Are Active</u>	<u>% of Cleared Cases Accepted by DA</u>	<u>% of Cleared Cases Refused by DA</u>
Fencing	31	15	8%	23%
Hit & Run	15	7	20%	0%
Sex Crimes	10	24	20%	60%
Burglary	8	20	30%	40%
Fraud	8	49	32%	36%
Robbery	8	7	44%	44%
All Units	6	25	27%	36%

In addition, based on our sample, we found that, the longer a case remained open, it was less likely to be cleared using Clearance Code #10 - the DA Refuses to Prosecute. For example, the median duration of cleared cases which were accepted by the DA for prosecution was 40 days, versus only 29 days for cases refused by the

DA for prosecution. Exhibit 1.2-2 illustrates that the longer a case remains open, the less likely it is that the DA will refuse to prosecute the case. Similarly, the likelihood of cases being accepted for prosecution increases as time passes.

Exhibit 1.2-2

Number of Days Suspect Cases Remain Active versus Number of Cases Accepted and Refused by DA for Prosecution as % of Cases Presented, General Investigations Division, 1993 – 1997



In summary, the inequitable workload distribution results in a high suspect caseload per investigator in some units, which in turn has led Inspectors to close cases as quickly as possible in order to move on to the next case. In addition, there is some correlation between the length of time a case remains open and the

likelihood that it will be accepted by the DA for prosecution, and cases which are closed quickly are less likely to be accepted by the DA.

Measures which would Result in a More Equitable Workload Distribution

The measures below, if implemented by the Police Department, would result in a more equitable distribution of workload among the investigative units of the Investigations Bureau.

Cross-Training of Inspectors in the General Investigations Division

San Francisco is unique from other law enforcement agencies in the organization of its investigative function into specialized units. While many other police departments have "generalized" investigative units, in which Inspectors are responsible for investigating all types of crimes, the investigative units in San Francisco are very narrowly specialized, each responsible for the investigation of only certain types of crime, such as burglary, fraud, auto, robbery, etc. While this allows Inspectors to become experts in investigating certain types of crime, this type of organizational structure also limits the ability of supervisors to reassign staff based on inequitable workloads in certain units.

Rather than disbanding the existing specialized units and creating one large pool of Inspectors, we believe that the relatively large caseloads for each unit justifies the retention of these specialized units. However, an in-house cross-training program should be implemented. Inspectors in the General Investigations Division (with the exception of Inspectors assigned to the Homicide Section) should be required to spend two weeks working in each of the 10 other units. The Investigations Administration Office should set up a cross-training program consisting of five 20-week rotations over a two-year period, in which three Inspectors from each section rotate through each of the 10 other sections for a two-week period per section. As a result of this cross-training, Inspectors would have at least some basic knowledge of what is involved in investigating different types of crimes and could therefore be temporarily reassigned to assist other units which have excessive workloads, as the need arises.

Creating a Rebooking Unit

As noted earlier in this section, there are large discrepancies in the rebooking caseloads among the investigative units. For instance, the Narcotics Division has its own rebooking unit consisting of three investigators, who must each handle an average of 200 rebookings per month. On the other hand, Inspectors in the

Homicide, Sex Crimes and Fencing Sections each handle an average of one or less rebookings per month.

In order to eliminate this inequitable workload distribution, we recommend creating a Rebookings Unit for the entire General Investigations Division to handle all felony rebookings. In addition, this unit would handle all narcotics rebookings for felony arrests made at the 10 district stations (an estimated 7,188 of the 9,926 narcotics rebookings per year). As such, this unit would be responsible for up to 17,400 rebookings per year. Inspectors assigned to the Homicide, Juvenile, Vice and Narcotics units would continue to be responsible for handling their own rebooking cases. Based on an average of between 1.3 and 2.0 hours of productive time spent on each rebooking in General Investigations, the Rebooking Unit should consist of between 14 and 18 Inspectors, who can be reassigned from other units, including the three Inspectors presently assigned to the Narcotics Rebookings Unit.

The Inspectors in the Rebookings Unit would perform only rebookings and would not be responsible for handling any suspect cases. Likewise, the Inspectors assigned to the other investigative sections would, for the most part, handle only suspect cases. If, however, our recommendation from Section 1.1 to deploy Inspectors to the districts were implemented, and an Inspector from the Hall of Justice were called out to respond to a crime scene, that Inspector would handle the rebooking (if there was one) for that case. The Rebookings Unit would therefore handle only the "overflow" rebookings which would be assigned to Inspectors who are not called out to crime scenes.

Upon forming the Rebookings Unit, staffing levels for the other investigative sections in the General Investigations Division (with the exception of Homicide) should be adjusted to better reflect the relative caseload for suspect cases of each unit, as well as other factors such as the relative seriousness and solvability of cases handled by each unit.

In addition to resulting in a more equitable workload distribution, the creation of a Rebookings Unit and the reassignment of staff based on workload would also likely result in a reduction in investigative overtime. This would result from Inspectors in the individual units dedicating their full time and attention to working on suspect cases and not deferring activities related to these cases until after their rebookings were completed. According to the Police Department, 80 percent of investigative overtime results from activities related to suspect cases. As such, freeing up time during Inspectors' regular working hours to work on suspect cases should result in a reduction in investigative overtime.

In FY 1996-97, the General Investigations Division (excluding Homicide) incurred approximately 21,050 hours in investigative overtime, or about \$973,142, at the average overtime hourly rate for Inspectors of \$46.23. Assuming a 25 percent

reduction in investigative overtime, the implementation of our recommendations could potentially result in an annual savings of \$240,000 per year to the City, if efficiencies are realized.

Conclusions

Investigative units do not have workload standards, nor do managers monitor the relative caseloads of investigative units. As a result, there is an inequitable caseload distribution among the investigative units of the Police Department. For example, investigators assigned to the Narcotics Division's rebooking unit each handle an average of 200 rebookings per month, versus an average caseload of less than one rebooking per month for Inspectors in the Homicide, Sex Crimes and Fencing Sections.

The high caseload in some units has resulted in a focus by Inspectors on closing as many cases as quickly as possible, regardless of whether the DA accepts or refuses the case for prosecution, and often as a priority over expending additional time and resources to assist in the prosecution of suspects.

In order to eliminate the inequitable workload distribution, the General Investigations Division should implement a cross-training program, create a Rebookings Unit and adjust staffing levels for the investigative units based on relative caseloads.

The implementation of our recommendations could potentially result in a reduction of \$240,000 per year in investigative overtime, if efficiencies are realized.

Recommendations

The Deputy Chief of Investigations should:

- 1.2.1 Implement a cross-training program in the General Investigations Division in which Inspectors spend two weeks working in each of the 10 other units (except Homicide) over a two-year period, consistent with the guidelines included in this report.
- 1.2.2 Form a Rebookings Unit to handle all rebooking cases for the General Investigations Division and rebookings for narcotics arrests at the district stations, in accordance with the guidelines included in this report.

- 1.2.3 Following implementation of Recommendation 1.2.2 above, adjust staffing levels for units in the General Investigation Division to reflect the relative caseload of suspect cases for each unit and the relative seriousness and solvability of cases handled by each unit.

Costs and Benefits

Our recommendations can be implemented using existing staff and resources within the Police Department.

Implementing a cross-training program would provide Inspectors with some basic knowledge of what is involved in investigating different types of crimes and would allow Lieutenants to temporarily reassign staff due to excessive caseloads.

Forming a Rebooking Unit in the General Investigations Division and adjusting staffing levels in the other investigative units based on relative caseload would eliminate the inequitable workload distribution and therefore result in the more effective investigation of cases.

The proper implementation of our recommendations could potentially result in a reduction in investigative overtime of \$240,000 per year, if efficiencies are realized.

1.3 Police Report Writing

- Although the Police Department's report writing has improved in recent years, according to the District Attorney's Office, report-writing deficiencies are still one of the factors contributing to the high number of cases turned down for prosecution by the DA's Office.
- According to the DA's Office and a study by the Coro Foundation, some factors contributing to poor report writing are the reversal of report-writing techniques learned in the Police Academy through consistent exposure to other members of the Department, and the Department's past and current recruiting policies.
- We performed an independent review of a random sample of 40 incident reports for cases that were rejected by the DA. Although the reports appeared to be of fair to good quality, we found that many reports were missing critical elements such as descriptions of the steps of the Police Officer's investigation and personal observations. In addition, there was often no corroboration of the reporting party's statements that would normally be achieved by attempting to locate potential witnesses.
- In order to improve the quality of Police report-writing, and further reduce the impact of reports on the DA's ability to file formal charges in cases, the Police Department should expand and improve report-writing instruction at the Police Academy and consider, as a policy matter, implementing less restrictive residency and higher education requirements for new officer recruits. Additionally, the SFPD should request that the DA's Office develop a formal system for returning any substandard Police reports back to the Police Department for review, evaluation and corrective action.

In the past, the Police Department has been repeatedly criticized for the poor quality of Police reports. Although there has been improvement, according to the DA's Office, deficiencies in report writing are still one of the factors contributing to the relatively high number of cases being discharged.

During the 28-week SFPD Academy basic training course sanctioned by Peace Officers Standards and Training (POST), Police Officer recruits receive approximately 60 hours of training in report-writing, consisting of 28 two to four hour sessions. At the end of the course, recruits take a separate final exam for report-writing, in addition to the POST exam. Police Academy classes stress the importance of complete and thorough reports and provide standards and guidelines to assist recruits in writing reports. However, according to staff from the DA's Office, Field Training Officers and other members of the Police Department tend to encourage recruits to be as concise as possible in writing reports, essentially advising them to forget the report-writing techniques learned at the Police Academy. This observation was also cited by a study by the Coro Foundation.¹

In addition, the Coro Foundation's study cited other reasons for deficiencies in report-writing by the SFPD. For example, the report stated that approximately one-third of recruits wrote at below the eighth grade level when they entered the Police Academy, although by the time they finished, about 75 percent of recruits were at the twelfth grade level.² The Coro Foundation's study attributed this deficiency in part to the SFPD's San Francisco residency requirement for new officer recruits, which significantly reduced the number of qualified applicants available. Based on statistics published by the U.S. Department of Justice, Bureau of Justice Statistics, 33 (70 percent) of the 47 cities with populations over 350,000 nationwide recruit new police officers from outside the municipality, including 18 cities (38 percent) with no residency requirement whatsoever. As of the writing of this report, the Department had expanded the residency requirement to include six other Bay Area counties, thereby increasing the pool of potential applicants.

However, the SFPD's minimum education requirement of a high school diploma for new officer recruits may also limit the number of qualified candidates applying for the Police Officer position. Based on statistics from the U.S. Department of Justice, 23 percent of the nation's cities with populations over 350,000 require at least some college education for new officer recruits, including San Jose, Sacramento and Fresno.

The Department has attempted to make improvements in report-writing in recent years. For example, the Department adopted a new training curriculum in the early 1990s that replaced the POST-mandated multiple choice test with a test that

¹ Hatamiya, Leslie, "The Impact of Proposition 115 on the San Francisco Police Department," Coro Foundation, October, 1990. The Budget Analyst has not independently verified the information contained in this published report. The Police Academy reports that more recent data regarding the writing level of Police Officer recruits is not available.

² Ibid.

requires recruits to write actual incident reports as part of the exam. According to the SFPD, this new curriculum has been adopted by POST and is now used Statewide. The Police Academy has also periodically sponsored report-writing classes, taught by Assistant District Attorneys, for Sergeants and Field Training Officers who are responsible for reviewing patrol officers' incident reports. Additionally, the Department attempts to reward officers who obtain an advanced education by awarding extra points on promotional examinations and has expanded recruitment efforts at local colleges and universities. Lastly, the Police Department, through a Federal Grant program, is currently in the process of purchasing and installing laptop computers in patrol vehicles, which will automate the report-writing process and allow officers to write reports while in the field without having to return to the station. These laptops will eventually be programmed to provide "cues" to patrol officers while writing up reports in order to ensure that all the necessary information is provided.

Results of Our Review of Police Reports

Although staff from the DA's Office advise that the quality of Police reports has improved, further improvement is needed. We reviewed a random sample of 40 incident reports for rebookings and suspect cases which were not prosecuted by the DA's Office. We selected these reports in order to evaluate the overall quality of incident reports for cases that were not prosecuted by the DA. This sample represented a statistically valid, but not necessarily statistically significant, sample of incident reports. As such, we were not attempting to draw conclusions as to the reasons why the DA refused to prosecute these particular cases, but rather were attempting to perform a qualitative review of Police report writing and to identify opportunities for improvement.

We compared these reports to the written guidelines and standards provided to Police recruits during basic training. Some of these guidelines include:

- The title and coding for the type of crime, premises and weapon should be correct and as specific as possible;
- The report should be typed on a computer or legibly handwritten;
- The reportee information should be complete (e.g. date of birth, home and business address, day and evening phone numbers);
- The suspect information should be as detailed as possible (e.g. specific age, height and weight, hair color and length, detailed clothing description);
- A written statement from the victim and witness should be included;

- The narrative should begin with the officer's arrival at the scene and should:
(a) contain the officer's personal observations of both the victim and the premises; (b) record each step of the investigation; (c) provide a complete and extremely detailed description of the alleged offense; (d) record the suspect's words verbatim in quotation marks; and (e) record any spontaneous statements made by the suspect.

Although the reports we reviewed appeared to be of fair to good quality, some critical elements were missing from many of the reports. We made the following general observations:

- While all of the reports included most of the basic necessary information (e.g., names, addresses, phone numbers) of the parties involved, other useful information, such as a witness's relationship to the victim or an alternative phone number for the victim and/or reporting party, was often missing.
- Written statements from the reporting party, victims and/or witnesses were often not provided. The reports did not indicate whether this was because the parties involved refused to provide written statements or because the reporting officers did not request written statements.
- The narratives written by the reporting Police Officers varied significantly in detail and were anywhere from five lines to two pages long. Some reports were very short and did not provide nearly the level of detail necessary. Many narratives contained grammatical and sentence structure errors. Most narratives were simply a description of the reporting party's statement of what had occurred, and often did not describe the steps of the Police Officer's investigation. Few of the narrative statements contained any type of personal observations made by the reporting Police Officers regarding, for example, the behavior of the victims and/or witnesses, the appearance of the premises, etc.
- In cases in which a suspect had not been identified, the reporting Police Officer did not always document in his/her report whether an attempt had been made to obtain some kind of descriptive information on the suspect from the reporting party or from potential witnesses. In many cases, the reports did not indicate whether there was any attempt by the Police Officer to locate, identify and interview potential witnesses who could corroborate the reporting party's statements.

Opportunities for Improvement

In order to improve the quality of Police report writing, the Police Department should take the following steps:

- Our analysis of discharge codes in Section 1 (**Investigations: Introduction**) and our conversations with the DA's Office demonstrated that one of the reasons why the DA refuses to prosecute cases is often due to evidence and witness problems, particularly a lack of corroboration. As such, the Police Academy's report-writing classes should place a relatively greater emphasis on teaching officers to provide more than the basic facts of the case in their narrative statements, but also to provide corroborating facts, observations and testimony, when possible. For example, incident reports should be evaluated on the basis of the extent to which the officer describes the steps of his/her investigation, his/her personal surroundings, the behavior of victims and witnesses, etc. Additionally, Police Officer recruits should be instructed that their objective in responding to a crime scene should not only be to take the victim's statement, but also to attempt to locate, identify and interview potential witnesses who can corroborate the victim's statement and possibly provide additional information on the suspect. In addition, recruits should be instructed to obtain written statements from all involved parties, to the extent possible.
- The Police Academy should continue to sponsor periodic report-writing classes, taught by Assistant DAs, for Sergeants and Field Training Officers who are responsible for reviewing patrol officers' incident reports. Each Patrol Sergeant and Field Training Officer should be required to take these classes on a biannual basis in order to update their skills, or, alternatively, report-writing sessions should be regularly included as part of the 40-hour Advanced Training course, which is required of all sworn members every two years. Requiring Sergeants and Field Training Officers to take report-writing classes would reinforce the report-writing techniques learned at the Academy and thereby lessen the likelihood that commanding officers will encourage recruits to write reports in a manner which is different than what they learned at the Academy.
- As recommended by the Police Department, the SFPD should request that the DA's Office develop a formal system for returning any substandard Police reports back to the Police Department for review and evaluation. This would allow the Police Department to take corrective action as well as monitor the areas of report writing that need to be addressed in future training sessions.

- The Police Department may wish to consider, as a policy matter, establishing a higher minimum education standard for new officer recruits than the high school diploma, which is currently the minimum education requirement. However, according to the SFPD's Consent Decree Division, raising the educational standard for police officer recruits could potentially have a negative impact on minority representation in the Police Department. Thus, concurrently with raising the education standard, the Police Department should consider further expanding the pool of qualified applicants by recruiting applicants Statewide, in order to include counties that have greater minority representation.

Conclusions

Although the Police Department's report writing has improved in recent years, according to the District Attorney's Office, report-writing deficiencies are still one of the factors contributing to the high number of cases turned down for prosecution by the DA's Office.

According to the DA's Office and a study by the Coro Foundation, some factors contributing to poor report writing are the reversal of report-writing techniques learned in the Police Academy through consistent exposure to other members of the Department, and the Department's past and current recruiting policies.

We performed an independent review of a random sample of 40 incident reports for cases that were rejected by the DA. Although the reports appeared to be of fair to good quality, we found that many reports were missing critical elements such as descriptions of the steps of the Police Officer's investigation and personal observations. In addition, there was often no corroboration of the reporting party's statements that would normally be achieved by attempting to locate potential witnesses.

In order to improve the quality of Police report-writing, and further reduce the impact of reports on the DA's ability to file formal charges in cases, the Police Department should expand and improve report-writing instruction at the Police Academy and consider, as a policy matter, implementing less restrictive residency and higher education requirements for new officer recruits. Additionally, the SFPD should request that the DA's Office develop a formal system for returning any substandard Police reports back to the Police Department for review, evaluation and corrective action.

Recommendations

The Chief of Police should:

- 1.3.1 As a policy matter, consider establishing a higher minimum education standard for new officer recruits than the high school diploma, such as at least one year of college, and concurrently implementing less restrictive residency requirements.
- 1.3.2 Request that the District Attorney develop a formal system for returning any substandard Police reports back to the Police Department for review, evaluation and corrective action.

The Police Academy should:

- 1.3.3 Design exercises for basic training in report-writing which provide a greater emphasis on teaching recruits to describe the steps of their investigation, their personal observations and other details, obtain written statements from all involved parties (when possible), and attempt to locate and identify potential witnesses.
- 1.3.4 Continue to sponsor periodic report-writing classes, taught by Assistant District Attorneys, for Sergeants and Field Training Officers.
- 1.3.5 Regularly include report-writing sessions as part of the biannual Advanced Training course required of all sworn members.

Costs and Benefits

The implementation of our recommendations could be accomplished using existing staff and resources in the Police Department.

Implementing a higher minimum education standard and a less restrictive residency requirement for new officer recruits would expand the pool of *qualified* applicants and would improve the quality of police reports.

Implementing measures to improve Police report writing would increase the quality of investigations performed by the Police Department and could increase the number of cases which the District Attorney's Office accepts for prosecution.

1.4 The DA's Standard for Charging Cases

- Pursuant to California Penal Code Section 836, peace officers are authorized to make an arrest based on probable cause. As such, the Police must believe that there is more evidence for than against the prospect that the person sought is guilty of a crime, yet reserving some possibility for doubt.¹
- There is no statutory standard to be used by the District Attorney for filing charges against a suspect arrested by the Police Department. However, the San Francisco District Attorney's Office does operate under charging standards established by the California District Attorney's Association. According to the District Attorney's Office, the DA's interpretation of these standards is equivalent to the provisions contained in Penal Code Section 1096, which states that the guilt of a suspect must be proven beyond a reasonable doubt.
- Although PC Section 1096 is intended to be used as a jury instruction when a criminal trial begins, in San Francisco, the DA applies this standard much earlier in the criminal justice process. As such, at the point at which formal charges are made against the suspect, the guilt of the suspect must be proven to the DA beyond a reasonable doubt.
- As a result, prosecutable cases are possibly being discharged by the DA because they do not meet this high standard. Other California District Attorney's Offices apply a less rigorous standard in making the determination whether or not to file charges. As such, as a policy decision, the District Attorney may wish to consider establishing a more flexible policy for accepting cases for prosecution.

California Penal Code Standards for Arrests and Prosecution

California law establishes standards which must be met when making an arrest. Section 836 of Title 3, Chapter 5 ("Making of Arrest") of the California Penal Code

¹ "Peace officers; arrest under warrant; grounds for arrest without warrant", California Penal Code, Title 3, Chapter 5, Section 836, Note 231.

(PC) states that a peace officer may make an arrest in obedience to a warrant, or may, without a warrant, arrest a person:

- Whenever he/she has reasonable cause to believe that the person to be arrested has committed a public offense in his or her presence; or
- When a person arrested has committed a felony, although not in his or her presence; or
- Whenever he/she has reasonable cause to believe that the person to be arrested has committed a felony, whether or not a felony has in fact been committed.

As defined by Black's Law Dictionary, reasonable or probable cause is the state of facts which would lead a reasonable person to believe and suspect that the person sought is guilty of a crime. In other words, there must be more evidence for than against the prospect that the suspect has committed a crime, yet reserving some possibility for doubt. Case law pursuant to PC Section 836 further states that probable cause does not require evidence to convict but only to show that the person should stand trial.

In San Francisco, once a person has been arrested for a felony, it is the Police Inspector's responsibility to present the case against that suspect for review by a District Attorney. As described in the introduction to Section 1, this process, which is called a rebooking, involves corroborating the information contained in the arresting Police Officer's incident report through evidence analysis and interviews with victims, suspects, witnesses and the arresting Police Officer. The Inspector then presents the case to the District Attorney, who must decide what formal charges, if any, to file against the suspect for prosecution. If the DA decides to press charges against the suspect, the suspect is then arraigned and a preliminary hearing is held in Municipal Court. At the preliminary hearing, a judge determines whether there is sufficient evidence for the case to go to trial.

While the Penal Code does establish a standard for making an arrest, it does not establish a standard which must be met by the District Attorney in determining whether or not to press charges against the suspect. Nevertheless, case law pursuant to PC Title 3, Chapter 7, Section 860 (Examination of Case and Discharge of Defendant) states that the evidence produced at a preliminary hearing need not establish guilt beyond a reasonable doubt, but is sufficient if it establishes reasonable and probable cause. Thus, even after the DA has made the decision to file charges against the arrested suspect, State law requires that only the probable cause standard need be met in order to move forward to trial.

The Reasonable Doubt Standard

Although there is no statutory standard for filing charges, the San Francisco District Attorney has made a policy decision to operate under the California District Attorney's Association's charging standards. According to the DA's Office, the DA's interpretation of these standards is equivalent to the provisions contained in Penal Code Title 7, Chapter 2 ("The Trial"), Section 1096, which states that the guilt of a defendant in a criminal trial must be established to a moral certainty and beyond a reasonable doubt. This standard represents a much higher standard than probable cause. Although this standard is intended to be used as jury instruction, the DA in San Francisco applies this standard much earlier in the criminal justice process, e.g., when deciding whether or not to file formal charges against the suspect. In other words, based on this standard, the San Francisco DA's Office must be convinced "beyond a reasonable doubt" within 48 hours of the suspect's arrest (the time limit for filing formal charges against the suspect), that the suspect is guilty of the crime.

According to staff from the District Attorney's Offices in Alameda and San Mateo Counties, the charging standards established by the California District Attorney's Association and a second publication, the Uniform Crime Charging Manual, are generally interpreted to mean that, at the point at which the DA files charges, the DA must personally believe in the guilt of the suspect and that there is no serious impediment to prevent the DA from going forward with prosecution. These charging standards do not specifically state that guilt must be proven beyond a reasonable doubt at the time that charges are filed. However, staff from the San Francisco DA's Office interpret these standards differently to mean that the District Attorney must personally believe in the guilt of the suspect beyond a reasonable doubt in order to file charges against that suspect.

Based on conversations with staff from the Public Defender's and other County Prosecutor Offices, although meeting the reasonable doubt standard is necessary to convict a person, it is not necessary to meet this standard in order to place a person on trial. Using such a high standard in making the decision whether or not to file formal charges eliminates the possibility of gradually being able to build a case against a suspect. As such, the DA may not be prosecuting some cases that perhaps could be prosecuted if additional time were provided in order to expand the investigation, develop the case and collect additional evidence and information.

As a result, prosecutable cases are possibly being discharged by the DA because they do not meet this high standard of reasonable doubt. In addition, given that the Police Department is making arrests based on the probable cause standard, and the DA is prosecuting such cases based on a much higher standard, it is inevitable that

conflicts should occur between the Police Department and the District Attorney as a result of the DA's decision not to proceed further with a case.

Other Standards Used for Charging Cases

Based on our discussions with staff from the District Attorney's Offices in other jurisdictions and the San Francisco Public Defender's Offices, the reasonable doubt standard is not typically used by District Attorneys in other jurisdictions to file charges against a suspect, and some District Attorneys in other jurisdictions have adopted a less rigorous standard of proof which must be met before filing charges against a suspect. This standard of proof is the standard referred to as clear and convincing evidence. As defined by Black's Law Dictionary, this phrase, in one of its variations, means:

that measure or degree of proof which will produce in mind of trier of facts a firm belief or conviction as to allegations sought to be established; it is intermediate, being more than mere preponderance, but not to extent of such certainty as is required beyond reasonable doubt as in criminal cases.

In other words, this standard of proof is higher than the probable cause standard but lower than reasonable doubt standard.

The DA should give some consideration to establishing a more flexible policy for filing charges which would encourage Assistant DAs to review all the options before making a decision whether or not to file charges against a suspect. Thus, Assistant DAs could have the option of prosecuting a case that may not meet the reasonable doubt standard at the time charges are filed, but which, through further investigation and some due diligence, could meet that standard by the time the case goes to trial.

The costs associated with implementing this recommendation, if any, cannot be determined at this time. However, implementation of this recommendation could potentially result in an increase in the DA's caseload and staffing requirements.

Conclusions

Pursuant to California Penal Code Section 836, peace officers are authorized to make an arrest based on probable cause. As such, the Police must believe that there is more evidence for than against the prospect that the person sought is guilty of a crime, yet reserving some possibility for doubt.

There is no statutory standard to be used by the District Attorney for filing charges against a suspect arrested by the Police Department. However, the San Francisco

District Attorney's Office does operate under charging standards established by the California District Attorney's Association. According to the District Attorney's Office, the DA's interpretation of these standards is equivalent to the provisions contained in Penal Code Section 1096, which states that the guilt of a suspect must be proven beyond a reasonable doubt.

Although PC Section 1096 is intended to be used as a jury instruction when a criminal trial begins, in San Francisco, the DA applies this standard much earlier in the criminal justice process. As such, at the point at which formal charges are made against the suspect, the guilt of the suspect must be proven to the DA beyond a reasonable doubt.

As a result, prosecutable cases are possibly being discharged by the DA because they do not meet this high standard. Other California District Attorney's Offices apply a less rigorous standard in making the determination whether or not to file charges. As such, as a policy decision, the District Attorney may wish to consider establishing a more flexible policy for accepting cases for prosecution.

Policy Option

The District Attorney should:

- 1.4.1 Consider establishing a more flexible policy for accepting cases from the Police Department for prosecution.

Costs and Benefits

Establishing a more flexible policy for accepting cases for prosecution would enable Assistant DAs to review all the options before making a decision whether or not to file charges against a suspect. Thus, Assistant DAs could have the option of prosecuting a case that may not meet the reasonable doubt standard at the time charges are filed, but which, through further investigation and some due diligence, could meet that standard by the time the case goes to trial.

The costs associated with implementing this recommendation, if any, cannot be determined at this time. However, implementation of this recommendation could potentially result in an increase in the DA's caseload and staffing requirements.

1.5 Penal Code Section 849(b)

- California Penal Code Section 849(b) authorizes peace officers to release arrested persons from custody due to insufficient grounds to file a complaint against that person (Section 849(b)(1)), or because that person was under the influence of alcohol or drugs and no further action is desirable (Sections 849(b)(2) and (3)).
- Based in part on statistics published by the State, the San Francisco Police Department has been criticized by the District Attorney's Office and other City agencies for its under-utilization of PC 849(b). However, the SFPD does not report all 849(b) releases to the State, as confirmed by a tabulation of 849(b) release forms by the Budget Analyst's Office.
- The DA further advises that the Police Department should issue more 849(b)(1) releases, as the DA receives a large number of arrest cases from the Police Department in which there are insufficient grounds to file charges.
- As long as the Police Department is able to substantiate that arrests are being made based on the probable cause standard, it is appropriate for the Police Department to leave the decision not to prosecute a case to the District Attorney. However, the Police Department should improve its tracking and reporting of Section 849(b) releases to the State.

Section 849(b) of the California Penal Code (PC) states that a peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant whenever:

- (1) He or she is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested;
- (2) The person was arrested for intoxication only, and no further proceedings are desirable; or
- (3) The person was arrested only for being under the influence of a controlled substance or drug and such person is delivered to a facility or hospital for treatment and no further proceedings are desirable.

PC Section 849(b) is used by law enforcement agencies throughout the State to release from custody prisoners who have been arrested for non-violent offenses in cases (a) where there is insufficient evidence and/or (b) which do not justify the expense of incarceration, partially in order to lessen jail overcrowding.

Based in part on statistics published by the State Department of Justice's Office of Criminal Justice Statistics, the San Francisco Police Department has been criticized by the District Attorney's Office and other City agencies for its under-utilization of PC Section 849(b), especially when compared to other Bay Area counties. Based on these statistics, San Francisco issued 2,360 PC 849(b) releases in 1995, which represents approximately 5.0 percent of adult arrests, compared to the median of 8.7 percent of adult arrests for four other Bay Area counties (Alameda, Contra Costa, Santa Clara and San Mateo). However, according to the Police Department, the Police Department does not report all 849(b) releases to the State, so these statistics are inaccurate. This has been confirmed by the DOJ's Office of Criminal Justice Statistics.

Based on a review of a sample of 849(b) release forms issued by the SFPD, the Budget Analyst estimates that the SFPD in fact issues approximately 6,800 PC 849(b) releases per year, or 4,440 more than the 2,360 PC 849(b) releases reported to the State.

The Use of PC Section 849(b)(1) by the Police Department

Staff from the District Attorney's Office have also advised that the SFPD does not release a sufficient number of detainees based on Section 849(b)(1) (i.e., insufficient grounds). According to the DA's Office, the DA is receiving a large number of arrest cases from the Police Department for which formal charges cannot be filed because there are insufficient grounds to successfully prosecute the case. DA staff advise that such cases could be discarded by either the arresting Police Officer, his/her commanding Sergeant or by the Police Inspector assigned to investigate the case, before they even reach the DA's Office for review.

Because the 849(b) form used by the SFPD does not provide space for Police Officers to record the reason for which an arrested person is being released from custody, it cannot be determined what proportion of 849(b) releases in San Francisco are issued due to insufficient grounds (Section 849(b)(1)) or because the detainee was under the influence of alcohol or drugs (Section 849(b)(2) and 849(b)(3)). Thus, the number of 849(b)(1) releases made by the Police Department cannot be determined at this time.

Although the San Francisco Police Department has no formal written policy against the use of PC 849(b)(1), Police Department staff interviewed by the Budget Analyst have indicated that Section 849(b)(1) is most likely not widely used by the San Francisco Police Department. This is because the arresting Police Officer, his/her commanding Sergeant (who must approve each arrest), and/or the Police Inspector assigned to investigate the case may not feel qualified to make the decision of whether there are sufficient grounds to prosecute a case. According to Police Department staff, they would prefer to leave this decision to the DA, who has specialized training and expertise in this area.

As long as the Police Department is able to substantiate that it is making arrests based on the probable cause standard, and is therefore meeting the State's minimum standard for making arrests, it is appropriate for the Police Department to leave the decision of whether there are sufficient grounds to prosecute the case to the District Attorney. Nevertheless, the implementation of our recommendations in Section 1.1 to assign Inspectors to the district stations and authorize them to review, assess and possibly disapprove certain arrests may result in an increase in the number of 849(b)(1) releases.

In any case, the Police Department should improve the tracking of Section 849(b) releases by (a) revising the 849(b) form currently used by the SFPD so that it includes information on the type of offense (e.g., felony or misdemeanor) and which subsection of PC 849(b) the release pertains to (849(b)(1), (2) or (3)). In addition, the Police Department should provide more accurate statistics on the use of 849(b) to the State.

Conclusions

California Penal Code Section 849(b) authorizes peace officers to release arrested persons from custody due to insufficient grounds to file a complaint against that person (Section 849(b)(1)), or because that person was under the influence of alcohol or drugs and no further action is desirable (Sections 849(b)(2) and (3)).

Based in part on statistics published by the State, the San Francisco Police Department has been criticized by the District Attorney's Office and other City agencies for its under-utilization of PC 849(b). However, the SFPD does not report all 849(b) releases to the State, as confirmed by a tabulation of 849(b) release forms by the Budget Analyst's Office.

The DA further advises that the Police Department should issue more 849(b)(1) releases, as the DA receives a large number of arrest cases from the Police Department in which there are insufficient grounds to file charges.

As long as the Police Department is able to substantiate that arrests are being made based on the probable cause standard, it is appropriate for the Police Department to leave the decision not to prosecute a case to the District Attorney. However, the Police Department should improve its tracking and reporting of Section 849(b) releases to the State.

Recommendations

The Deputy Chief of Administration should:

- 1.5.1 Improve the tracking of Section 849(b) releases by revising the 849(b) release form so that it includes information on the type of offense (e.g. felony or misdemeanor) and which subsection of PC 849(b) the release pertains to (849(b)(1), (2) or (3)).
- 1.5.2 Provide accurate statistics on the use of PC 849(b) to the State.

Costs and Benefits

These recommendations could be implemented using existing staff and resources within the Police Department.

The benefits include improved record-keeping and the reporting of accurate statistics to the public.

1.6 Record-Keeping and the Case Review Process

- Through the Budget Analyst's field work, we found discrepancies in the data provided from different data sources, especially with regard to the disposition of cases. These inconsistencies indicate that the Police Department may not be tracking and recording workload and performance statistics accurately.
- In addition, although individual cases are reviewed by section Lieutenants before being closed and filed, there is currently no broad discussion or evaluation of cases which are not accepted by the DA for prosecution.
- As such, the Investigations Bureau needs to improve record-keeping by maintaining more accurate and comprehensive statistics, particularly on the disposition of cases.
- The Police Department should also establish a formal, documented case review process that involves staff from Investigations, Field Operations and the District Attorney's Office, in order to increase the future likelihood of cases being accepted for prosecution.

The Tracking and Reporting of Statistics

In conducting our field work and analysis, we used data from several different sources in order to evaluate the performance of investigative units. First, we collected monthly performance reports from each investigative unit for the past four years in order to calculate workload and performance measures. Secondly, we selected and reviewed two separate statistically significant samples of rebooking and suspect cases (based on a 95.0 percent confidence interval) and recorded data concerning the disposition of cases, how long cases remained active and the manner in which cases were investigated. Third, we received data from the District Attorney's Intake unit regarding the disposition of felony rebookings performed by the Police Department. In addition, we obtained and reviewed statistics from the California Department of Justice and the Judicial Council of California regarding arrests, felony filings, Penal Code 849(b) releases and other performance measures.

In many cases, we noticed discrepancies in the data among the various sources. For example, as noted in Section 1.5 of this report, the number of 849(b) releases reported to the State does not reflect the actual number of 849(b) releases issued by

the Police Department based on our review of 849(b) files. Also, the data maintained by the DA's Intake Unit on felony rebookings accepted by the DA did not match data provided by the Police Department regarding the disposition of felony rebookings. In some units, such as the Narcotics Division, data regarding the number of rebookings performed and the disposition of rebookings was not available at all.

In addition, there were often large differences in the results from our case sample and the statistical reports provided by the Police Department's investigative units. For instance, Table 1.6-1 below shows the results of our sampling compared to the data from statistical reports provided by the Police Department and the DA's Intake Unit.

Table 1.6-1

**Performance Data Based on Reports from Police Department,
DA's Intake Unit and Budget Analyst's Case Sample
1993 - 1997**

Percentage of Suspect Cases Cleared

	Auto	Burg-lary	Dom. Viol.	Fenc-ing	Fraud	General Work	Hit & Run	Homi-cide	NIU	Rob-bery	Sex Crimes	All SID	Units
Sample	75	50	89	54	73	61	100	60	46	50	50	50	63
SFPD	67	78	62	98	78	71	93	50	50	21	53	26	69

Percentage of Felony Rebookings Accepted by DA for Prosecution

	Auto	Burg-lary	Dom. Viol.	Fenc-ing	Fraud	General Work	Hit & Run	Homi-cide	NIU	Rob-bery	Sex Crimes	All SID	Units
Sample	64	51	69	n/a	58	48	83	n/a	69	35	67	46	55
SFPD	65	65	62	32	65	56	92	91	81	68	61	55	64
DA	48	49	60	32	56	45	73	75	81	45	70	55	53

These discrepancies in data indicate that the Police Department may not be tracking and recording workload and performance statistics accurately. For example, the Police Department's records reflect a higher overall clearance rate than our sample and a higher DA filing rate than our sample and the DA's records.

As such, the Investigations Bureau needs to improve record-keeping by maintaining more accurate and comprehensive statistics, particularly on the disposition of cases. For example, each Inspector should be required to record the clearance code and discharge code (if applicable) for each case closed on their monthly activity reports. This data should be tallied by the section lieutenant and reported to Investigations

Administration as part of the monthly performance report. Furthermore, the Narcotics Division needs to improve its documentation of cases by storing all rebookings in a centralized location and tracking the number and disposition of rebookings.

Establishing a Formal Case Review Process

All assigned cases are reviewed and signed by the commanding lieutenant of each investigative section before being closed and filed. However, there is minimal, if any, follow-up discussion or evaluation of all cases in general once they have been closed and filed. Although each investigative unit maintains statistics on the number and disposition of cases assigned, there is currently no broad discussion or evaluation of cases which are cleared but which were not accepted by the DA for prosecution.

Evaluating discharged cases, including both rebookings and suspect cases, would provide a means of assessing performance and of determining whether improvements could be made in order to increase the likelihood of cases being accepted for prosecution in the future. For example, Assistant District Attorneys should provide more input and comments on the existing SFPD Record of Investigation form, which is used to record and evaluate felony rebookings, than is currently the practice. Staff meetings should be held each month between section Lieutenants and Inspectors in order to discuss specific cases (including cases suggested by the DA's Office) which were presented to the DA but which were not accepted for prosecution, in order to identify what factors led to such cases being turned down by the DA and general improvements that could be made in order to improve future performance. In addition, quarterly meetings should be held between Inspectors in the Investigations Bureau, Sergeants and/or Police Officers from each district station and a representative from the District Attorney's Office in order to identify ways in which patrol personnel can increase the chances that cases will be accepted by the DA for prosecution. The Investigations Bureau should establish, in writing, a formal case review process, including a requirement to conduct these periodic meetings. The results of these meetings should be documented in informational bulletins distributed to all Police Officers.

Conclusions

Through the Budget Analyst's field work, we found discrepancies in the data provided from different data sources, especially with regard to the disposition of cases. These inconsistencies indicate that the Police Department may not be tracking and recording workload and performance statistics accurately.

In addition, although individual cases are reviewed by section Lieutenants before being closed and filed, there is currently no broad discussion or evaluation of cases which are not accepted by the DA for prosecution.

As such, the Investigations Bureau needs to improve record-keeping by maintaining more accurate and comprehensive statistics, particularly on the disposition of cases.

The Police Department should also establish a formal, documented case review process that involves staff from Investigations, Field Operations and the District Attorney's Office, in order to increase the future likelihood of cases being accepted for prosecution.

Recommendations

The Deputy Chief of Investigations should:

- 1.6.1 Maintain more accurate and comprehensive statistics on the assignment and disposition of cases.
- 1.6.2 In accordance with the guidelines included in this section, establish a formal, documented case review process which involves staff from Investigations, Field Operations and the District Attorney's Office.

Costs and Benefits

These recommendations could be implemented using existing staff and resources within the Police Department.

Establishing a formal, documented case review process would provide a means of assessing performance and identifying improvements in order to increase the future likelihood of cases being accepted for prosecution by the District Attorney's Office. In addition, implementing a case review process would improve interaction between staff from Investigations, Field Operations and the DA's Office.

- The SFPD defines modified duty as assignments in which a temporarily disabled employee performs work outside his or her normal duties that accommodates his or her medical restrictions. The decision to place an officer on modified duty status is made upon certification by the treating physician and is subject to the availability of a suitable modified duty position that is consistent with the physician's recommendations.
- The current policies and practices of the SFPD do not establish a specific number of modified duty positions but do set, at 365 days, the maximum length of time an officer can be assigned to modified duty. This maximum time of 365 days on modified duty was established in November, 1997 by the approval of General Order 11.12.
- To address the deficiencies in the current Return to Work/Reasonable Accommodation policies, the SFPD should: a) maintain the time limit of 365 days, set by General Order 11.12, for temporary disabled officers who are serving in modified duty positions; b) eliminate 66 of the 121 positions which were added to the SFPD budget, over and above the charter mandated staffing level of 1,971 sworn positions, to accommodate officers on modified duty or temporary disability leave and clearly define the conditions for placing permanently disabled officers in modified duty assignments; c) clearly define the steps that will be taken in the event that an officer completes the 365 days of modified duty but is still disabled and is unable or unwilling to obtain disability retirement; d) define "reasonable accommodation" and provide details on how the SFPD's definition diverges from the Federal ADA standard and its method of making such accommodations; e) inform the Retirement Board of the maximum modified duty positions available and the time limit that sworn officers may serve in modified duty positions and work with the Retirement Board to develop a policy for retiring officers who are permanently disabled rather than keeping them in modified duty positions or accommodating them above and beyond current ADA standards; and f) continue to use the comprehensive tracking system that is part of the new Workers Compensation Claims Management System in order to monitor officers on modified duty.
- Eliminating 66 of the 121 positions currently used for modified duty and temporary disability leave would represent an annual savings of over \$4 million without reducing the current level of police services.

Introduction

Workers Compensation, Modified Duty (also referred to as Light Duty) and Disability Retirement are interrelated issues for the San Francisco Police Department. These three issues are regulated by: (1) the California State Labor Code; (2) General Orders and Information Bulletins, issued by the Police Department; and (3) the Administrative Code and the Charter of the City and County of San Francisco. In this section of the audit report, we will discuss these interrelationships and the manner in which the Police Department, the State, the San Francisco Workers Compensation Division, and the San Francisco Retirement Board administer their respective duties with regard to workers compensation claims, modified duty assignments and requests for Industrial Disability Retirement.

Modified Duty assignments are the result of work and non-work related injuries that require Police officers to restrict their activities because they are unable to fully perform the required duties of a Police officer. However, those officers who are injured in non-work accidents must request modified duty. To accommodate the need for such assignments, the Police Department maintains Modified Duty positions that can be held by sworn personnel. Such positions are generally administrative in nature. Details regarding the use of Modified Duty are discussed later in this section.

Prior to obtaining a modified assignment, an officer has: (1) filed an injury report and worker's compensation claim; (2) been examined by a physician and received a determination that some type of temporary disability exists, and that the disability prevents the officer from fully performing the duties of a Police officer; but (3) been released by a physician to return to the workplace, as long as there are activities the officer can engage in which meet the restrictions set forth in the physician's release orders.

Other issues such as determinations of permanent disability, reasonable accommodations and Industrial Disability Retirement add to the complexity of the SFPD's policies regarding modified duty as well as the status of workers compensation claims filed by Police officers. As appropriate, these issues are discussed in the following section.

Methodology

As part of the fieldwork for Phase 2 of the performance audit of the Police Department, the Budget Analyst reviewed and analyzed the SFPD's policies and

practices with regard to the filing of workers' compensation claims and the use of modified duty assignments for sworn personnel who have temporary disabilities. In order to assess the use of modified duty by the SFPD, and the status of workers compensation claims, audit staff obtained and reviewed documents from the Police Department and the Department of Human Resources for the City and County of San Francisco. These documents included:

- OSHA Form 200, which reports the number of days individuals have been out on disability and the number of days individuals have been assigned to modified duty as the result of disability injuries and illnesses;
- SFPD records of positions within each Division which are staffed by individuals who are on modified duty;
- California State Labor Code Sections outlining the responsibilities of employers with regard to the payment of medical and temporary disability claims;
- SFPD Information Bulletin 97-65 which describes the system for tracking workers' compensation claims and General Order 11.12 on the Department's official policy for sworn members who are temporarily or permanently disabled (supersedes Information Bulletin 86-133); and
- Interviews with key staff from the Police Department's Medical Liaison Office, the Workers Compensation Division of the San Francisco Department of Human Resources, and the Retirement Board.

Assignment of Officers to Modified Duty

To place an injured employee in a modified work assignment, the SFPD follows four steps:

1. The department receives notification from the Workers' Compensation Division that a member with an industrial injury may return to work in a modified capacity, or a memorandum from an officer with a non-industrial injury requesting to return to work in a modified capacity. As discussed in the Introduction to this section, there are five forms to be completed

whenever professional medical care is necessary for an initial occupational injury or illness.

2. The member's medical work restrictions are then received by the Staff Services Division, which then compares the limitations placed on the member with available modified work assignments.

3. As to industrial injury, questions regarding a member's ability to perform (1) the full duties of a member's regular assignment or (2) modified duties, must be clarified by the member's treating physician. If there is a dispute over this issue, a final determination will be made in accordance with Worker's Compensation Rules.

4. The Deputy Chief of Administration may make a recommendation for a modified work assignment to the Chief of Police. The Chief of Police makes the final decision regarding the availability of a modified work assignment, based on the member's medical restrictions and on the personnel needs of the Department. The Chief's decision must also take into consideration the member's job skills, job qualifications, training, experience, and seniority.

While the SFPD provides steps to place an injured employee in a modified duty position, we found that there are an increasing number of officers who are in modified duty beyond 365 days. Based on interviews with representatives in the Medical Liaison's Office, we also found that attending physicians, who are designated by the injured officer, are inconsistent in their recommendations for returning injured employees to work. Additionally, there is no designation of the person responsible for questioning a member's ability to perform which might result in differences in evaluations. Finally, there is no written analysis that the Chief of Police can use as a basis to make a decision on assigning modified duty positions. This is problematic as the Chief could continue to assign officers in modified duty positions regardless of the cost to the Department.

Since completing our fieldwork, the SFPD has installed and implemented a new Workers Compensation Claims Management System. This system is designed to track workers compensations claims and provides management with reports on the number of active claims, length of claims and status of each officer on modified duty.

Reasonable Accommodation

According to the SFPD's revised modified duty policy, if a member has sustained a physical or mental impairment that substantially limits one or more major activities on the job, and has been performing in a modified duty assignment, his or her situation must be evaluated after 365 days. As a result of this evaluation, the member should either: (1) return to his/her regular assignment; (2) request a reasonable accommodation; or (3) request a recommendation for Industrial Disability Retirement.

If the injured employee requests a reasonable accommodation, he or she must complete a request form and submit a medical release from the physician to the commanding officer of the Staff Services Division. Within 30 days following receipt of a request for reasonable accommodation, the SFPD's Duty Evaluation Committee must convene and determine whether the member could perform the essential functions of his/her classification with accommodation. The Duty Evaluation Committee includes the following members: the Deputy Chief of Administration Bureau (Chair), the commanding officer of the Staff Services Division, the Personnel Sergeant, the Police Physician, the Department's ADA Coordinator, and a representative of the Police Officers Association (non-voting).

If the member cannot be accommodated to perform the essential job functions of his or her classification, the Committee will review vacant modified duty positions. As prescribed in General Order 11.12, the Department must identify a specified number of positions for members who are being accommodated but "no sworn member shall be granted an accommodation in a budgeted non-sworn position, except on a temporary basis when vacancies cannot be immediately filled." General Order 11.12 also states that the availability of the positions is subject to review for business necessity. However, it does not establish the number of positions.

If the Committee determines that an employee cannot be accommodated, the Committee shall offer to refer the member for an Industrial Disability Retirement. The employee may request a review of the Committee's findings and recommendations by the Chief of Police and a review of the Chief's decision by the Police Commission. If the Committee determines that an employee should be referred for disability retirement, he or she may be placed in a temporary assignment pending separation and is referred to the Retirement Board. As there is no cap on the number of modified duty assignments, the Department is likely to create additional modified duty assignments thereby influencing the Administrative Law Judge's decision to grant an Industrial Disability Retirement to the injured officer.

Results of the Policy - Officers who have been in Modified Duty

Although the Return to Work policy states that employees who are unable to return to their full duty after 365 days must request reasonable accommodation or apply for an Industrial Disability Retirement, in many cases, permanently disabled officers have held modified duty positions well beyond the 365 day limit. As a result of the Department's emphasis on reasonably accommodating injured members, many of the Department's clerical and administrative functions are performed by sworn officers rather than by civilian employees. Currently there are 121 sworn positions, over and above the charter mandated 1,971 sworn positions, to provide for modified duty positions and temporary disability positions.

To understand the nature and duration of the administrative positions filled as modified duty by sworn officers, the Budget Analyst surveyed the SFPD's Records of Administration Assignments within each division. The data shows several officers who have held modified duty positions for time periods longer than the recently approved 365 days as described in the SFPD's policy (the new General Order 11.12, approved November 15, 1997). For example, a Sergeant has held a modified duty position in the Records for over 17 years; a Police Officer held a position in the Warrants Division for over 11 years; and another Police Officer held a position in the Fencing Unit for 13 years. With the new General Order in place and the implementation of the new Workers Compensation Claims Management System, long-term modified duty assignments, such as those described in this paragraph, will no longer be possible.

The analysis indicated that many of these assignments are temporary in nature and are not typically performed by a sworn officer on modified duty but rather by a civilian. Only 12 of the 77 administrative assignments identified by the Department are typically performed by a modified duty officer. However, at the time of the survey, 29 of the 77 assignments were being used for modified duty. The survey also noted that only one officer who had been in a modified duty position for more than one year had filed for an Industrial Disability Retirement.

Based on this data, the SFPD has provided injured officers with accommodations greater than those set forth in the ADA's reasonable accommodation policies. The ADA establishes several definitions of reasonable accommodations that include the following:

- "Reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity."

- “Reasonable accommodation must be provided to enable a qualified applicant to perform the essential functions of the job he or she is seeking, and to enable a qualified employee with a disability to perform the essential functions of a job currently held.”
- “The reasonable accommodation obligation applies only to accommodations that reduce barriers to employment related to a person’s disability.”
- “Reasonable accommodation applies to modifications that specifically assist an individual in performing the duties of a particular job.”
- “An undue hardship is an action that requires significant difficulty or expense in relation to the size of the employer, the resources available, and the nature of the operation.”
- “A doctor who conducts medical examinations for an employer should not be responsible for making employment decisions or deciding whether or not it is possible to make a reasonable accommodation for a person with a disability. That responsibility lies with the employer.”
- “Job restructuring or job modification is a form of reasonable accommodation which enables many qualified individuals with disabilities to perform jobs effectively...an employer is not required to reallocate essential functions of a job as a reasonable accommodation. Essential functions, by definition, are those that a qualified individual must perform, with or without an accommodation.”
- “The ADA’s requirements for certain types of adjustments and modifications to meet the reasonable accommodation obligation do not prevent an employer from providing accommodations beyond those required by the ADA.”

In summary, the ADA defines reasonable accommodation as modifications that enable an employee with a disability to perform the essential functions of the job currently held, i.e. a Police Officer. Nevertheless, as stated in the last bullet on reasonable accommodation, the employer is not prevented from providing accommodations beyond those required by the ADA as long as the accommodations are within the scope set forth by the ADA regulations.

Based on the information gathered from the Survey of Records of Administration Assignments, it appears the SFPD’s policies and practices with regard to modified duty assignments is consistent with Workers Compensation and state Labor Code requirements. As a result of past practices, and the Department’s willingness to

make accommodations for officers requiring modified duty assignments, several sworn officers have held civilian duties for a number of years. The SFPD's new General Order 11.12 establishes clear guidelines and policies regarding the types of accommodation that will be made and are consistent with established state laws.

It should be noted that the state laws regarding Workers Compensation are more liberal than the "reasonable accommodation requirements" set forth in the federal ADA regulations. It should also be noted that the federal ADA regulations do not necessarily apply to the accommodations made for officers on modified duty assignments. In most cases in order to have a claim under ADA, the Department will have already stated that there is not a modified duty assignment available that would meet the needs of the 'disabled' officer, and the Retirement Board has turned down the officer's request for an Industrial Disability Retirement. In such cases, it is incumbent upon the Department to clearly demonstrate why there is not a suitable assignment and press the Retirement Board to approve the officer's request for the IDR.

Results of the Policy - Cost to the Department

In order to determine the number of Modified Duty positions and the cost to the Department, the Budget Analyst reviewed three years of OSHA Employee Claim Data. This data shows the number of days away from work (lost days), rest days (days on modified duty), and illnesses. Table 2.1 indicates the total number of claims across all ranks in the Department for calendar years 1995 through 1997, whether the claim resulted in disability leave or modified duty, or was due to an illness, and the number of claims which resulted in no days lost.

Table 2.1

Nature of Worker's Compensation Claims Filed by Sworn Officers, 1995-1997

<u>Year</u>	<u>Total Number of Claims</u>	<u>Disability leave or modified duty</u>	<u>Illness</u>	<u>No days lost</u>
1995	700	489	51	211
1996	684	418	34	266
1997	937*	742*	52*	195*

*Based on 1997 YTD information through September 30, 1997 annualized.

Table 2.2 indicates the number of claims, the days in modified duty positions, the number of Full Time Equivalents (FTEs) and the estimated costs of modified duty assignments.

Table 2.2

Modified Duty

<u>Modified Duty</u>	<u>CY 1995</u>	<u>CY 1996</u>	<u>CY 1997**</u>	<u>Average</u>
Number of total claims	700	684	937**	773
Days in Modified Duty	3,452	3,044	6,488**	4,328
Number of FTEs*	13.23	11.66	24.86**	16.58
Estimated Cost***	\$846,561	\$746,100	\$1,590,741	\$1,061,134

*Number of FTEs = number of total hours on modified duty = days x 8 hours per day / 2,088 hours per year per FTE.

**Based on 1997 YTD information through September 30, 1997, annualized.

***Estimated Cost = Number of FTEs x Q-2 Salary with benefits @ \$63,988.

Table 2.3

Temporary Disability Leave

<u>Temporary Disability Leave</u>	<u>CY 1995</u>	<u>CY 1996</u>	<u>CY 1997**</u>	<u>Average</u>
Days on Disability Leave	6,827	5,958	7,064**	6,616
Number of FTEs*	29.46	25.16	30.12**	28.25
Estimated Cost***	\$1,885,086	\$1,609,938	\$1,927,318	\$1,807,447

*Number of FTEs = number of total hours lost due to disability leave = days x 8 hours per day / 2088 hours per year per FTE.

**Based on 1997 YTD information through September 30, 1997.

***Estimated Cost = Number of FTEs x Q-2 Salary with benefits @ \$63,988.

As shown in Tables 2.1, 2.2, and 2.3, there are an average of 773 claims that are filed on an annual basis. These claims result in an average of approximately 28.25 FTEs lost due to annual temporary disability leave and an average of approximately 16.58 per year on modified duty over the three-year period. Temporary disability leave results in an average annual cost of at least \$1,807,661.

(28.25 FTEs x Q-2 salary and benefits of \$63,988) The modified duty positions result in an average annual cost of at least \$1,060,921. (16.58 FTEs x Q-2 salary and benefits of \$63,988.)

Based on the data gathered, we assume that there will be some injured employees who will require more than the 365 days as set forth in General Order 11.12. In order to cover all of the members, the Budget Analyst has determined that there should be a maximum time period of 365 days for modified duty positions. Based on an average of 16.58 FTEs needed for modified duty positions per year, the Department should budget at least 25 positions per year for modified duty (16.58 x 1.5 = 24.87). In order to accommodate officers on temporary disability leave, at least an additional 28 sworn positions should be reserved for a minimum total of 53 sworn positions which should be reserved for officers to perform at full duty. In order to provide the Department with additional flexibility, we recommend that a total of 55 positions (26 for modified duty and 29 for temporary disability leave), be reserved for officers on modified duty and temporary disability leave.

The Department currently has 121 sworn positions budgeted to provide positions to accommodate officers on Modified Duty or disability leave. Based on the analysis above, we recommend eliminating 66 (121 less 55) of the 121 positions currently budgeted to accommodate officers on modified duty and disability leave. The elimination of these positions should be phased in over a three-year period. This reduction in budgeted positions represents savings to the Department of \$4,223,208 (66 positions x \$63,988 per position).

Conclusions

The SFPD defines modified duty as, assignments in which a temporarily disabled employee performs work outside his or her normal duties that accommodates his or her medical restrictions. The decision to place an officer on modified duty status is made upon certification by the treating physician and is subject to the availability of a suitable modified duty position that is consistent with the physician's recommendations.

The current policies and practices of the SFPD do not establish a specific number of modified duty positions. However, the new General Order does establish the maximum length of time an officer can be assigned to modified duty. Since the SFPD has not established a maximum number of positions that should be budgeted to accommodate officers who are on light or modified duty, many sworn officers are unnecessarily assigned to perform civilian functions.

To address the deficiencies in the current Return to Work policies, the SFPD drafted and approved General Order 11.12 which sets a time limit of 365 days for temporary disabled officers who are serving in modified duty positions. After the 365 day period has elapsed, an assessment of the officer's ability to return to their original duties would be made. If at that time it is determined that the officer will not be able to return to their original duties, steps would be taken to either make further accommodations or move the officer toward the option of retirement.

To further address the issue of the number of officers assigned to modified duty and the duration of such assignments the SFPD should: a) eliminate 66 of the 121 positions which are currently budgeted to accommodate officers on modified duty or disability leave and clearly define the conditions under which permanently disabled officers would be placed on modified duty assignments; b) clearly define the steps that will be taken in the event that an officer completes the 365 days of modified duty but is still disabled and is unable or unwilling to obtain disability retirement; c) inform the Retirement Board of the maximum modified duty positions available and the time limit that sworn officers may serve in modified duty positions and work with the Retirement Board to develop a policy for retiring officers who are permanently disabled rather than keeping them in modified duty positions by accommodating them above and beyond the Workers Compensation and state Labor Code requirements; and f) utilize the new Workers Compensation Claims Management System to monitor officers on modified.

There are situations under which the Department would be required to comply with federal ADA standards. These situations are not likely to occur until an officer's disability has been determined to be permanent and stationary, the Department has determined that there are not suitable modified duty assignments for said officer and the Retirement Board has turned down the officer's request for an IDR. When these circumstances occur, it is the responsibility of the Department of clearly state, to the Retirement Board, why an accommodation cannot be made and press the Retirement Board to grant the request for the IDR.

Eliminating 66 of the 121 positions currently used for modified duty and temporary disability leave would represent an annual savings of over \$4 million without reducing the current level of police services.

Recommendations

The SFPD should:

- 2.1.1 As prescribed by the Budget Analyst, maintain the time limit of 365 days, set by General Order 11.12 for temporarily disabled officers who are serving in modified duty positions. Such a time limit is consistent with the new General Order 11.12, approved in November, 1997;
- 2.1.2 Eliminate 66 of the 121 sworn positions which are currently budgeted to accommodate officers on modified duty or temporary disability leave and clearly define the conditions for placing permanently disabled officers in modified duty assignments;
- 2.1.3 Clearly define the steps that will be taken in the event that an officer completes the 365 days of modified duty but is still disabled and is unable or unwilling to obtain disability retirement;
- 2.1.4 Define "reasonable accommodation" under the federal ADA and provide details on how the SFPD's required actions under Workers Compensation and the State Labor Code diverge from the Federal ADA standard. Additionally, the SFPD should clearly articulate its method of making such Workers Compensation and ADA accommodations, for officers who are temporarily or permanently disabled;
- 2.1.5 Inform the Retirement Board as to the maximum number of modified duty positions and the time limit that sworn officers may serve on modified duty. Work with the Retirement Board to develop a policy for retiring officers who are permanently disabled as an alternative to keeping them in modified duty positions and reasonably accommodating them above and beyond required standards;
- 2.1.6 Continue the implementation of the new Workers Compensation Claims Management System as a tool for tracking and reporting on Officers on modified duty and/or those who are permanently assigned to non-sworn duties.

Savings and Benefits

Eliminating 66 of the 121 positions currently used for modified duty and temporary disability leave would represent an annual savings of over \$4 million without reducing the current level of police services.

By clearly articulating the new policies and practices regarding the Workers Compensation and State Labor Code Return to Work and federal ADA Reasonable Accommodation policies, as recommended by the Budget Analyst, the SFPD will realize improved management of officers who hold modified duty positions or have permanent accommodations, including successful attempts to obtain IDRs for permanently disabled officers. There will also be clearer guidelines for the injured officers who return to work through modified duty or reasonable accommodations.

Section 2.2 Modified Duty and Industrial Disability Retirement

- The SFPD has established criteria which an officer must meet prior to requesting or submitting an application for Industrial Disability Retirement.
- Under the current policies of the Retirement Board, no Police officer is granted an Industrial Disability Retirement if there are modified duty positions available within the Department.
- In recent years, a combination of a recent legal decision, the Police Department's practice of assigning sworn officers to performing civilian duties in modified duty assignments, and the Police Department's past policies and practices has effectively increased the number of modified duty positions which are both filled and available. As a result of the Retirement Board's policy on Industrial Disability Retirements and the existing case law, the SFPD has been forced to place officers in Modified Duty positions, regardless of the cost to the Department, when the Board does not grant Industrial Disability Retirement.
- To clarify the conditions regarding modified duty assignments, we recommend that the SFPD: define "non-sworn budgeted position;" define "emergency;" utilize the 30 day review feature that is part of the new Workers Compensation Claims Management System to track officers on modified duty and issue reports to management on the status of all officers who are disabled or on modified duty.

To fully understand the Department's current use of Modified Duty Assignments, it is necessary to have a rudimentary grasp of both the Workers Compensation system and process as well as the policies and practices of the Retirement Board of the City and County of San Francisco. When an officer is injured in the line of duty, an injury report is filed. The required investigation and documentation is forwarded to the Medical Liaison Unit and a case file is formed. The SFPD's Medical Liaison Unit monitors the member's progress and shares the information with Workers' Compensation Adjusters. After the officer is evaluated by a treating physician, a determination is made regarding any resulting disability. Should the treating physician determine that there is some resulting disability from the injury, the officer is entitled to file a workers compensation claim. The purpose of filing the workers compensation claim is to:

Section 2.2 Modified Duty and Industrial Disability Retirement

- Indemnify the wages that would be lost as a result of the officer's absence due to the injury;
- Cure and relieve the effects of the injury at the employer's (City's) expense by paying for medical and rehabilitative treatment; and
- If necessary, provide permanent disability benefits should the injuries which were sustained in the line of duty result in a permanent and stationary impediment, thereby restricting the officer's future employment options.

Under State law, as detailed in the State Labor Code, employers must pay for any medical treatment, and temporary disability benefits for any days of lost work. In the case of a San Francisco Police officer, temporary disability benefits are equal to the officer's regular rate of pay. Such payments must be made until the treating physician determines that the officer can return to work, at full or modified duty; or that the injury has resulted in a disability which is permanent and stationary, making it unlikely that the officer can return to full duty in his or her current assignment.

According to SFPD Department Bulletin 97-65, all work related injuries must be reported to the Medical Liaison Unit within 24 hours. The Medical Liaison Unit is a unit within the Administrative Bureau that is responsible for coordinating the Department's efforts to focus in and reduce workers' compensation claims and injuries. The unit is part of the Staff Services Division, which oversee all personnel issues in the Police Department. The Medical Liaison Unit is supervised by a personnel Sergeant and staffed with two investigators, one Police officer, and the Police Physician. The unit also coordinates with the Claims Validation Unit, also part of the Staff Services Division, which is supervised by the personnel Sergeant and staffed by two detectives who conduct covert investigations.

The following forms must be completed whenever professional medical care is necessary for an initial occupational injury or illness:

- State of California Employer's Report of Occupational Injury of Illness, Form 5020, Revision 6;
- Employee's Claim for Workers' Compensation Benefits;
- Supervisor's Investigation of an Illness/Injury;
- Injured member's report and;
- Physician's medical report.

Section 2.2 Modified Duty and Industrial Disability Retirement

Disabilities that are determined to be permanent and stationary must have the extent of the permanent disability rated. The rating establishes the degree of the disability. For example, a person can be determined to have a disability which equates to a negative impact of 30 percent in their ability to compete in the job market. Such a rating can be obtained from a vocational rehabilitation specialist or through an agreement between the parties of the claim (the City and the Police officer). However, the State Labor Code requires that, after such determinations of permanent disability are made stipulating the extent of the disability, the rating and any proposed claim settlement must be reviewed and approved by the California Workers Compensation Appeals Board (CWCAB).

Once the CWCAB has approved a determination that the disability is permanent and stationary and the agreements reached between the parties to the claim are reasonable, it constitutes final settlement of the workers compensation claim. Only after final settlement has been reached is the disabled officer able to:

- Qualify for payment of permanent disability benefits due to the inability to fully compete in the employment market;
- Qualify for a claim of future payments for medical treatment which is related to the injury or disability which has been classified as permanent and stationary; and
- Submit a request to the Retirement Board of the City and County of San Francisco for an Industrial Disability Retirement.

The Department has established criteria which an officer must meet prior to requesting or submitting an application for Industrial Disability Retirement. The injury sustained must be serious. As such, the resulting disability must be rated or ratable at 50 percent or more according to the CWCAB's permanent disability rating standards; or must be rated or ratable as substantially 50 percent with factors of disability or other relevant factors clearly establishing the seriousness of the disability when considered in light of Police occupational duties. Additionally, there must be no prospect of recovery, meaning that the injury and resulting disability must have resulted in a minimum of 365 days of modified duty; and the injury must, in accordance with reasonable medical probability, result in no reasonable prospect for the return to full duty prior to the officer's earliest retirement date.

Under the current policies of the Retirement Board, no Police officer is granted an Industrial Disability Retirement if there are modified duty positions available within the Department. According to representatives of the Retirement Board, this

Section 2.2 Modified Duty and Industrial Disability Retirement

policy is consistent with existing case law on the granting of Industrial Disability Retirements for Police officers.

In 1983, in *Michael R. O'Toole, Plaintiff and Respondent, v. Retirement Board of the City and county of San Francisco, Defendant and Appellant*, the courts ruled that the Retirement Board was correct in denying a request for an Industrial Disability Retirement by officer O'Toole because the Police Department had modified duty assignments positions which could be filled by officer O'Toole. Specifically, the court held that, "a person should not be retired if he can perform duties in a given permanent assignment within the Department...". This decision has become the standard and remains one of the criteria, used by the Retirement Board, in determining whether or not to grant a Police officer's request for an Industrial Disability Retirement.

In recent years, a combination of the O'Toole decision, the Police Department's practice of assigning sworn officers to performing civilian duties in modified duty assignments, and the Police Department's past policies and practices has effectively increased the number of modified duty positions which are both filled and available. Consequently, the Department currently has 121 sworn positions budgeted to accommodate officers assigned to modified duty.

There have been additional lawsuits regarding modified duty and Industrial Disability Retirement pensions. These cases provide varying opinions, by the courts, on the treatment of disabled officers regarding assignments to Modified Duty or Industrial Disability Retirement. In *Barber v. the Retirement Board of the City and County of San Francisco (1971)*, the Fire Department identified a maximum number of permanent modified duty positions and determined that there were no available positions for an injured officer. In this case, the court concluded that the Department had no obligation to create a position.

In another case, *Craver v. City of Los Angeles (1974)*, in viewing a disabled Police officer, the court held that a "person should not be retired if he can perform duties in a given permanent assignment within the department. He need not be able to perform any and all duties performed by a Policeman (sic). If a person can be employed in such an assignment, he should not be retired with payment of a disability retirement pension." (as cited in *Stuessel v. City of Glendale, 1983*)

As a result of the Retirement Board's policy on Industrial Disability Retirements and the existing case law, the SFPD has been forced to place officers in a Modified Duty position, regardless of the cost to the Department, when the Board does not grant Industrial Disability Retirement. In the past three years, 138 applications for Industrial Disability Retirements have been filed. Of those applications, 31 (22

Section 2.2 Modified Duty and Industrial Disability Retirement

percent) have been denied. Of the 31 denials, 21 (68 percent) were denied because the Board found that the officer could perform a modified duty assignment.

SFPD's Return to Work/Reasonable Accommodation Policies

As described in the introduction to this section, Disability and Worker's Compensation procedures and practices are determined by California State Labor Code, Administrative Code and the City Charter. All of the conditions are defined by entities such as City's Worker's Compensation task force, Retirement Board and the Workers' Compensation Appeals Board. These practices and procedures are interrelated with the SFPD's policy on modified duty positions.

In November, 1997, the SFPD approved General Order 11.12, "Return to Work/Reasonable Accommodation," which supersedes the SFPD's previous Light/Modified Duty Policy as described in SFPD Information Bulletin #86-133. Consistent with the State and Federal disabilities laws, including the Americans with Disabilities Act and the Fair Employment and Housing Act, General Order 11.12 defines the SFPD's policies and procedures allowing for sworn members who have been injured on the job to work within their medical restrictions capabilities in temporary modified work assignments, as an alternative to being on leave during recovery from a temporary disability.

Modified Duty

A Modified Duty position is defined as a temporary assignment within the Department that can be performed by an officer who temporarily cannot perform the essential functions of his/her regular assignment. In order to comply with the revised SFPD policies and procedures for returning to work and reasonable accommodations, the following conditions must be met regarding (1) eligibility for modified duty, (2) rules governing modified duty assignments, and (3) duration of modified duty assignments.

1) Eligibility requirements for modified assignments:

-Members, whose temporary disabling condition was industrial, as well as those whose condition was not industrial in nature, are eligible for a modified work assignment.

2) Rules for governing modified work assignments:

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-Members will not be placed at district stations unless otherwise authorized by the Deputy Chief of Administration and approved by the Chief of Police. Such assignments shall be no longer than 30 days;

-Any involuntary transfer or reassignment shall require 72 hours notice, absent an emergency;

-Members in modified work assignments shall be eligible for overtime, including but not limited to Police Law Enforcement Services (PLES) overtime, as long as such assignments are consistent with the members' medical restrictions; and

-No sworn member shall be given a modified work assignment or granted an accommodation in a budgeted non-sworn position, except on a temporary basis.

3.) Duration of modified assignments:

-Modified work assignments shall be limited in duration. At the end of 30 days of a modified work assignment, or earlier if warranted, a member shall be reviewed to determine whether the member will be able to return to his or her regular assignment. If the modified assignment extends beyond 30 days, the member's status will be reviewed every 30 days up to one year.

The approval of General Order 11.12 and the implementation of the Workers Compensation Claims Management System have greatly improved the Department's ability to monitor and manage modified duty assignments. However, the Budget Analyst has determined that the following items are still issues that should be addressed.

- Although the SFPD has set forth the above conditions regarding modified work assignments, many of the conditions are lacking in specific guidelines to maintain a minimum number of modified duty positions.
- The rules for governing modified work assignments, that are outlined in the new General Order have not specifically identified the following: a) the person who is authorized to transfer or reassign the injured officer, or how the Department should proceed if the member has been at a district station for more than 30 days.¹

¹ The Department has stated that the current practice is for the Chief of Police, or their designee, to authorize the transfer or reassignment of an injured officer as well as the actions the Department takes after the 30-day period.

- The General Order does not provide a clear definition for voluntary transfers, an “emergency,” and “a budgeted non-sworn position”.²
- Furthermore, in terms of the duration of modified assignments, the 30-day time period for reviews is too long for an accurate review of the employee’s condition because certain types of injuries might require more frequent reviews.

Recommendations

The Deputy Chief of Administration should:

- 2.2.1 Provide the members of the Department with a written definition of a “non-sworn budgeted position.”
- 2.2.2 Provide the members of the Department with a written definition of an “emergency.”
- 2.2.3 Authorize reviews at a minimum of 30 days.

Savings and Benefits

Implementation of these recommendations will more clearly define the SFPD’s modified duty policy and prevent assignment of officers who should receive an industrial disability from continuing employment in a modified duty capacity.

² The Department has provided the Budget Analyst with definitions of these terms but has not included the definitions in the text of General Order 11.12. Therefore, the Budget Analyst still recommends that this language be included to provide clarity for all members of the Department.

Section 3. Minimum Sworn Staffing and Civilianization

- As a result of the restrictions imposed by Proposition D, approved by the voters in June, 1994, on the minimum level of full duty sworn personnel, the Police Department is not currently in compliance with the other provisions of Proposition D, including civilianization and an increase in the number of sworn personnel dedicated to community policing and other police activities.
- In fact, the Police Department has undergone a process of "reverse civilianization," in which an increasing number of sworn personnel are performing clerical, administrative and other functions that do not require peace officer status. Meanwhile, there has been a trend towards greater civilianization in other large police departments in California and nationwide.
- As a result, the Police Department is incurring as much as \$2.24 million per year in excess personnel costs by using sworn personnel to perform administrative, technical support and/or other non-police functions. This practice can also have a demoralizing effect on existing civilian employees who are being paid less for performing similar functions. Additionally, hiring civilian employees with greater expertise in functions currently being performed by sworn personnel would improve productivity.
- Fully implementing the provisions of Proposition D, through civilianization of non-police functions now performed by sworn personnel, could result in additional costs to the City of as much as \$8.7 million annually because offsetting reductions in sworn staffing would be prohibited, despite the fact that such reductions would not affect the current level of sworn staffing actually performing police duties.
- The Board of Supervisors should consider, as a policy matter, submitting a ballot measure to the electorate to amend Charter Section 4.127 (Proposition D) in order to facilitate the civilianization of sworn positions in the Police Department. Civilianization would enable the Police Department either to (a) realize savings of up to \$2,242,618 per year without reducing the current level of police services; or (b) use this savings to hire an additional 46 Police Officers dedicated to community policing, patrol and investigations.

As part of this performance audit, we reviewed and analyzed Proposition D and how it relates to the level of civilianization in the San Francisco Police Department (SFPD). For the purposes of this report, civilianization is defined as the conversion of sworn positions, which are occupied by members performing duties that do not require peace officer status, to non-sworn positions in the Police Department's budget. As part of this review and analysis, we examined the number of sworn positions as a percentage of total positions in the SFPD's budget, as compared to other jurisdictions, and reviewed the functions being performed by these sworn personnel in order to determine (a) whether the allocation of staff complies with the mandates of Proposition D; (b) the excess costs and other disadvantages of allowing sworn personnel to perform clerical and/or administrative functions; and (c) whether there is potential to civilianize some of the functions currently being performed by sworn members.

To accomplish these objectives, we:

- Reviewed SFPD historical and current personnel data for sworn and non-sworn personnel Department-wide and by bureau/division;
- Researched current policies and mandates regarding sworn and civilian staffing in the SFPD (such as Proposition D);
- Conducted a survey of the SFPD to determine how many and which sworn members were performing primarily administrative and/or clerical tasks;
- Surveyed the 10 largest California police departments (other than San Francisco), of which only six responded, in order to obtain data on sworn and civilian staffing and functions; and
- Reviewed and analyzed statistics published by the U.S. Department of Justice, Bureau of Justice Statistics, concerning sworn and non-sworn personnel in police departments nationwide.

Proposition D (Charter Section 4.127)

In June, 1994, the San Francisco electorate approved a Charter Amendment (Proposition D) which mandated a staffing level of not less than 1,971 full duty sworn officers. The Charter provision, which is now part of Section 4.127 of the 1996 Charter, further stated that the SFPD should review opportunities to civilianize as many sworn positions as possible in order to maximize police presence in the communities. Lastly, the Charter Amendment stipulated that all new full duty sworn officers, beginning in FY 1994-95, should be dedicated to neighborhood community policing, patrol and investigations.

During FY 1994-95, the SFPD greatly increased hiring and training of new Police Officer recruits in order to meet the July 1, 1995 deadline for full staffing of 1,971 full duty officers. As a result, the number of actual sworn personnel on the SFPD's payroll has increased from 1,820 in April, 1994 to 2,021 sworn members as of March 9, 1998, an increase of 201 members or 11.0 percent.

Although the current level of 2,021 sworn officers is higher than the minimum required staffing level of 1,971 full duty sworn officers, we calculated in Section 2 of this report that the equivalent of 17 full-time equivalent (FTE) sworn personnel are assigned to modified duty and an additional 28 FTE sworn personnel are on temporary disability leave, for a total of 45 FTE sworn personnel who are not performing "full duty" assignments. Although Charter Section 4.127 does not clearly define "full duty", it seems reasonable that sworn personnel on modified duty or temporary disability leave should not constitute "full duty" officers. If one subtracts the approximately 45 FTE sworn personnel on modified duty or temporary disability from the total of 2,021 sworn officers currently on the payroll, the result would be 1,976 "full duty" officers or five more than the 1,971 sworn staffing level specified by the Charter.

In addition, the SFPD's FY 1997-98 budget provides funding for 131 FTE sworn personnel from overtime pay. If these 131 FTE sworn personnel funded by overtime are added to the 1,976 "full duty" officers as described above, the total FTE "full duty" officers increases to 2,107, or 136 more than the 1,971 "full duty" officers specified in the Charter.

The Restrictions Imposed by Proposition D

Although the Department is currently in compliance with the minimum staffing level established by Proposition D, the SFPD has not been successful in allocating additional staff to police duties or in civilianizing sworn positions. In fact, the Police Department has undergone a process of "reverse civilianization", in which an increasing number of sworn personnel are performing clerical, administrative and other functions that do not require peace officer status. This has occurred in part because of past budget cutbacks which, due to public pressure to maintain a strong police presence throughout the City, resulted in the elimination of civilian positions rather than sworn positions. As a result, according to the Police Department, there are an insufficient number of civilian personnel available to perform all of the administrative, clerical and other support functions necessary, and sworn personnel are being used instead. The Police Department reports that it has made use of its modified duty officers to perform some of the necessary administrative and support activities that otherwise would be performed by civilian personnel.

In addition, because of the sworn staffing minimum imposed by Proposition D, civilianization would result in additional, rather than reduced, personnel costs for the Police Department. For example, in most jurisdictions, civilianization results in a cost savings, since sworn positions are usually replaced with lower cost civilian positions. However, in San Francisco, because Proposition D mandates a minimum staffing level of 1,971 sworn officers, the Police Department cannot replace sworn personnel with civilian personnel. Instead, under a strict interpretation of Proposition D, civilianization can only be achieved by adding new civilian positions to the budget to assume the administrative and other tasks currently being performed by sworn personnel, and then reassigning those sworn personnel to police functions (such as community policing, investigations, patrol, etc.), thereby resulting in increased rather than reduced personnel costs for the City. Because of a combination of (a) the cost of adding new sworn positions to the budget in order to comply with Proposition D and (b) other budget priorities in the Police Department and throughout the City, the Police Department has been unable to add new civilian positions to its budget.

As a result, in many cases, clerical and administrative functions are being performed by sworn members of the SFPD. Personnel costs are therefore higher than may be necessary for a number of functions, due to higher salary and benefit costs for sworn personnel.¹ In addition, the use of sworn personnel to perform administrative and/or clerical functions is not consistent with the intent of Proposition D. The use of sworn employees to perform administrative and/or clerical functions can also have a demoralizing effect on other existing civilian employees who are paid less for performing similar functions. Finally, hiring civilian employees with educational backgrounds, experience and expertise in functions currently being performed by sworn personnel, who do not typically have the same level of expertise in these areas, would improve productivity.

The Allocation of Sworn Personnel to Administration and Support Activities

As noted above, Charter Section 4.127 states that all new full duty sworn officers hired after FY 1993-94 should be dedicated to neighborhood community policing, patrol and investigations. However, there has been a significant increase (30 percent) in the number of sworn personnel assigned to providing administrative,

¹ Although in the past, the City has paid higher retirement contributions for sworn personnel than for miscellaneous employees, as of the writing of the report, there was no City retirement contribution for either sworn or miscellaneous employees. However, under existing Memoranda of Understanding (MOUs), the City now pays the employee retirement contribution costs, which are either 7.0 percent or 7.5 percent of base salary.

management and/or support services in the Administration Bureau. Table 3.1 shows the actual number of sworn personnel on the SFPD's payroll in April, 1994 and as of March 9, 1998, Department-wide and by bureau/function.

Table 3.1

**Actual No. of Sworn Employees on SFPD's Payroll in April, 1994
and March, 1998 by Bureau/Function**

Bureau/Function	April, 1994	March, 1998	Increase/ (Decrease)	Percent Change
Administration, Management, Support Services	159	207	48	30.2%
Recruits/Other *	69	69	--	0.0%
Field Operations Bureau, District Patrol	1,051	1,149	98	9.3%
Field Operations Bureau, Special Operations	236	251	15	6.4%
Investigations Bureau	<u>305</u>	<u>345</u>	<u>40</u>	<u>13.1%</u>
Total Department	1,820	2,021	201	11.0%

* This category includes 46 Police Officer recruits enrolled at the Police Academy and 23 medical holds. According to the Police Department, medical holds are sworn officers who have been on temporary disability leave for more than 30 days and have therefore been transferred from field units to the Staff Services Division of the Administration Bureau.

As illustrated in Table 3.1 above, the largest increase in sworn personnel since April, 1994 has been in the SFPD's Administration Bureau (30 percent). There has been an increase of only 9.3 percent in the Field Operations Bureau - Patrol Division, a 6.4 percent increase in the Field Operations Bureau - Special Operations Division and an 13 percent increase in the Investigations Bureau. As such, the Police Department is not in compliance with the provision of Charter Section 4.127 that requires all new full duty sworn officers hired after FY 1993-94 to be dedicated to neighborhood community policing, patrol and investigations.

According the Police Department, one reason for the large increase in sworn personnel in the Administration Bureau between April, 1994 and March, 1998 was the transfer of Police Officers on temporary disability leave or modified duty assignment from field units to the Administration Bureau in order to improve supervision of these officers. Additionally, the Department maintains that all new Police Officer recruits who finish basic training at the Police Academy are initially assigned to community policing duties at the district stations.

Civilianization

As noted above, Charter Section 4.127 also states that the Police Department should attempt to civilianize as many sworn positions as possible in order maximize police presence in the communities. However, as of October 7, 1997, there were 372 actual civilian employees on the SFPD's payroll, compared to 369 actual civilian employees in April, 1994.

Additionally, although the number of authorized civilian positions (including both vacant and filled positions) has increased by 13 since FY 1994-95 (from 433 authorized positions in FY 1994-95 to 446 authorized positions in FY 1997-98), there has been a reduction of 69 authorized civilian positions (13.4 percent) since 1990, from 515 positions in FY 1990-91 to 446 positions in FY 1997-98. During the same time period, the number of authorized sworn positions increased by 119 (6.0 percent), from 1,973 sworn positions in FY 1990-91 to 2,092 sworn positions in FY 1997-98.

Comparison of the SFPD to other Police Departments

Based on law enforcement management and administrative statistics published by the U.S. Department of Justice (DOJ), Bureau of Justice Statistics, we found that there appears to be a trend towards civilianization in police departments nationwide. For example, for the 31 largest police departments in the U.S. which have at least 1,000 sworn members, the average percentage growth in the number of civilian employees was 12 percent between 1990 and 1993, versus only a three percent increase in the number of sworn employees and a four percent increase overall. On the other hand, in San Francisco, the number of civilian employees decreased by 23 percent and the number of sworn employees remained unchanged between 1990 and 1993.

In addition, based on the DOJ's statistics, an average of 78 percent of employees were sworn in 1993, a decrease from 80 percent in 1990, in the nation's 31 largest police departments. However, in San Francisco, the number of sworn employees as a percentage of total employees was 83 percent in 1993, an increase from 79 percent in 1990.

Our survey of 10 other large California police departments also showed a trend towards civilianization. Based on documents submitted by six of the 10 police departments surveyed, we found that the SFPD is following the opposite trend than most of the other jurisdictions surveyed, as shown in Table 3.2 below:

Table 3.2

**No. of Sworn Employees as a Percentage of Total Personnel and
% Growth in Full-time Employees in California Police
Departments, FY 1990-91 - FY 1996-97**

	<u>FY 1990-91</u>			<u>FY 1996-97</u>			<u>FY 90-91 - FY 96-97</u>		
	<u>No. of</u>			<u>No. of</u>			<u>% Change in No. of</u>		
	<u>Full-time Employees</u>			<u>Full-time Employees</u>			<u>Full-time Employees</u>		
	<u>Total</u>	<u>Sworn</u>	<u>% Sworn</u>	<u>Total</u>	<u>Sworn</u>	<u>% Sworn</u>	<u>Total</u>	<u>Sworn</u>	<u>Civilian</u>
Los Angeles	10,909	8,328	76%	12,197	9,037	74%	12%	9%	18%
Riverside	425	298	70%	493	336	68%	16%	13%	25%
Sacramento	863	600	70%	994	612	62%	15%	2%	43%
San Diego	2,500	1,811	72%	2,624	2,006	76%	5%	11%	(10%)
San Jose	1,395	1,081	78%	1,717	1,289	75%	23%	19%	36%
Santa Ana	562	381	68%	686	405	59%	22%	6%	54%
Average of Surveyed Depts.	2,776	2,083	72%	3,119	2,281	69%	16%	10%	28%
San Francisco	2,488	1,973	79%	2,550	2,092	82%	2%	6%	(11%)

As illustrated in Table 3.2 above, the number of sworn employees as a percentage of total employees decreased in all except one (San Diego) of the six jurisdictions that responded to our survey, whereas the proportion of sworn personnel has increased in San Francisco. In addition, while the percentage of civilian employees has grown at a greater rate (28 percent) than the overall average increase in the number of full-time employees (16 percent) in the six other police departments surveyed, in San Francisco, the number of civilian employees has declined by 11 percent, despite an overall increase of two percent in the total number of employees.

In addition, we also found that approximately 12 percent of sworn employees in the San Francisco Police Department are assigned to administrative and technical support activities in the Administration Bureau, whereas an average of only five percent of sworn personnel are assigned to similar duties in the other police departments surveyed. Table 3.3 below shows the number of sworn employees as a percentage of total personnel by job classification (Administration/Technical Support, Field Operations or Investigations) for six of the 10 jurisdictions surveyed and San Francisco.

Table 3.3

**Job Classifications of Full-time Sworn Employees
in Surveyed California Police Departments, FY 1996-97**

	Administration/ Technical Support			Field Operations			Investigations		
	Total	Sworn	% Sworn	Total	Sworn	% Sworn	Total	Sworn	Civilian
Los Angeles	2,298	663	29%	7,820	7,029	90%	1,570	1,190	76%
Riverside	123	16	13%	272	237	87%	98	83	85%
Sacramento	304	22	7%	538	478	89%	146	113	77%
San Diego	487	75	15%	1,683	1,583	94%	454	348	77%
San Jose	427	70	16%	966	933	97%	283	245	87%
Santa Ana	116	18	16%	317	290	91%	137	106	77%
Average of Surveyed Depts.	626	144	16%	1,933	1,758	91%	448	348	80%
San Francisco	428	152	36%	1,441	1,400	97%	422	347	82%

As illustrated in Table 3.2, the SFPD has a much higher percentage of sworn employees performing administrative and technical support activities than the six other jurisdictions surveyed (36 percent in the SFPD versus the average of 16 percent in the other jurisdictions).

Based on our survey of other California jurisdictions, we found the following examples of civilianization of specific administrative and technical support functions:

- Records, Identification, Communications, Property Control and Fiscal are almost fully civilianized in Los Angeles, San Jose, Sacramento and Santa Ana;
- Sacramento and Santa Ana have special civilian classifications to perform backgrounds investigations of applicants for sworn positions;
- All six of the surveyed jurisdictions that submitted detailed responses have specialized civilian personnel for training functions such as training coordination, media production and/or firearms training (e.g. Riverside and Santa Ana have Rangemaster classifications);
- Fleet Management is fully civilianized in Los Angeles;
- Los Angeles, Riverside, San Jose and Santa Ana use specialized civilian personnel for photographers and photography laboratory technicians;

- San Diego and Riverside use specialized civilian personnel for evidence collection and control;
- The Personnel, Payroll and Public Relations functions are also largely performed by civilian personnel in the other police departments surveyed; and
- Other examples of the use of specialized civilian personnel for administrative or technical support functions include helicopter operation and repairs (Riverside), polygraph examinations (Los Angeles), psychiatric services (Los Angeles and Riverside), reproduction (Los Angeles), and station duty (Los Angeles).

Opportunities for Civilianization in the SFPD

In a survey completed by the Police Department in the spring of 1997, the Police Department identified 189 sworn employees who were assigned to performing primarily administrative and/or clerical tasks. After an independent review and analysis of the functions being performed by sworn officers in the autumn of 1997, the Budget Analyst identified a total of 183 sworn positions which could potentially be civilianized. However, we found in Section 2 of this report that up to 26 sworn positions should be reserved as modified duty positions. Thus, of the 183 sworn positions currently performing non-police functions, the Police Department could convert up to 157 (183 less 26) to civilian positions.

Attachment 3.1 shows the individual functions, the current sworn positions and the proposed civilian classification (if any). Attachment 3.1 is divided into three parts: (a) functions currently performed by sworn personnel which both the Budget Analyst and the Police Department agree should be civilianized (131 positions); (b) additional functions currently performed by sworn personnel which the Budget Analyst, but not the Police Department, recommends for civilianization (26 positions); and, (c) functions which could be civilianized but which the Police Department may wish to reserve for Police Officers assigned to modified duty (26 positions). As shown in Attachment 3.1, the Police Department is incurring \$2,242,618 in excess salary and fringe benefit costs by using sworn personnel to perform administrative, technical support and/or other non-police functions.

It should be noted that the final determination as to the appropriate civilian classification to perform the functions identified in Attachment 3.1 will be made by the Department of Human Resources, and the potential savings identified in this report are subject to increases or decreases based on DHR's recommendations.

The Budget Analyst has identified two policy options for consideration by the Board of Supervisors to increase civilianization of the SFPD and potentially realize

significant savings without affecting the level of sworn personnel assigned to police duties.

Option 1: Amending Proposition D to Realize Savings from Civilianization

Because of the approval of Proposition D, it would not be possible for the Police Department to replace existing sworn positions with new civilian positions if the total number of full duty sworn positions fell below 1,971. Thus, civilianizing the 157 sworn positions shown in Attachment 3.1 would result in significant additional costs to the City, since it would not be offset by savings from a reduction in the number of authorized sworn positions. As such, full compliance with Proposition D would cost the City an additional \$8,706,904 per year, based on the estimated annual salary cost of \$7,016,039 (shown on page 100 in Attachment 3.1) plus \$1,690,865 for fringe benefits for these 157 civilian positions. On the other hand, the City could save up to \$2,242,618 per year through civilianization if Proposition D were amended to facilitate the civilianization of these 157 civilian functions which are currently being performed by sworn personnel, without reducing the current level of police services.

Based on our analysis in Section 2 of this report and on the table in Attachment 3.1, the appropriate level of total authorized sworn staffing should be reduced from 2,092 to 1,869 positions, as shown in Table 3.4 below:

Table 3.4

Recommended Sworn Staffing Level for the San Francisco Police Department

Current No. of Authorized Sworn Positions	2,092
<u>Less:</u> Civilianization of Sworn Positions Assigned to	
Non-Police Functions	(157)
Recommended Reduction from Section 2	<u>(66)</u>
Recommended No. of Authorized Sworn Positions	<u>1,869</u>

In addition, there would be an increase in the number of authorized civilian positions from 446 to 603 positions, or an additional 157 civilian positions.

Despite our total recommended reduction in sworn personnel from the current level of 2,092 to 1,869 positions, there would not be a reduction in the current level of police services. This is because (a) the 157 positions identified in Attachment 3.1 are currently performing non-police functions and would be replaced by civilian

positions; and (b) the remaining 66 positions were originally placed in the budget because of the reported need to accommodate officers on temporary disability or modified duty who were therefore not performing their regular, full duty assignments. Thus, as illustrated in Table 3.5 below, the number of officers who are responsible for responding to calls for service would not decrease.

Table 3.5

Sworn Personnel, Sworn Personnel Assigned to Responding to Calls for Service and Crime Incidents per Officer in Surveyed California Police Departments, FY 1996-97

	All Sworn Personnel			Sworn Personnel Assigned to Responding to Calls for Service (a)		
	Sworn Personnel Per 10,000 Residents		Crime Incident per Officer (b)	Sworn Personnel Per 10,000 Residents		Crime Incident per Officer (b)
	Total	Residents	per Officer (b)	Total	Residents	per Officer (b)
Los Angeles	9,037	24.8	27.5	4,727	13.0	52.5
Riverside	336	13.8	50.6	224	9.2	75.8
Sacramento	612	15.9	56.2	439	11.4	78.3
San Diego	2,006	17.0	30.1	1,087	9.2	55.5
San Jose	1,289	15.2	27.9	770	9.1	46.6
Santa Ana	405	13.2	34.5	264	8.6	52.9
Average of Surveyed Departments	2,281	16.7	37.8	1,252	10.1	60.3
San Francisco (Current)	2,092	27.7	25.7	1,322	17.5	40.7
San Francisco (Proposed)	1,869	24.7	28.8	1,322	17.5	40.7

(a) Source for this data is U.S. Department of Justice, Bureau of Justice Statistics, Law Enforcement Management and Administrative Statistics, 1993: Data for Individual State and Local Agencies with 100 or More Officers, Table 11a, pp. 121-131. Increases in the number of sworn officers since 1993 were added to the 1993 figures.

(b) The number of crime incidents is based on the FBI Crime Index for the six-month period January through June, 1996 (annualized). The FBI Index consists of eight crimes (homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft and arson), which serve as an index for gauging fluctuations in the overall volume and rate of crime.

As shown in Table 3.5, the SFPD currently has a higher number of sworn officers per 10,000 residents and a lower number of crime incidents per sworn officer than the average of the other six jurisdictions that submitted detailed survey responses. Additionally, the SFPD also has a higher number of officers responding to calls for service and a significantly lower number of crime incidents per officer than the

average of the six other jurisdictions. *The proposed reduction in the total number of authorized sworn positions would not affect the number of officers responding to calls for service or their workload.*

As such, given the significant cost to fully comply with Proposition D, the Board of Supervisors may wish to consider, as a policy matter, submitting a ballot measure which would amend Charter Section 4.127 in order to facilitate the civilianization of sworn positions in the Police Department. Rather than recommending a specific number of full-duty sworn positions, this Charter Amendment should allow for the civilianization of existing sworn positions, as identified by the Police Department and Budget Analyst in this report, without resulting in additional personnel costs and without reducing the current level of police services. Additionally, this Charter Amendment should provide that any savings resulting from civilianization accrue to the General Fund. As a result of this Charter Amendment, the civilianization of the 157 sworn positions identified in this report would result in a savings of up to \$2,242,618 per year to the City.

Option 2: Using Savings from Civilianization to Hire Additional Sworn Officers

A second option would be for the Police Department to civilianize the 157 functions identified in Attachment 3.1 and to use the savings realized from civilianization to hire additional Police Officers. As such, the \$2,242,618 in potential annual savings identified by the Budget Analyst could be used to hire 46 new Q2 Police Officers, based on a starting salary (including fringe benefits) of \$48,906 per year. These additional 46 Police Officers could be assigned to police duties, such as neighborhood community policing, investigations or patrol. Exercising this policy option would also require the approval of a Charter Amendment by the voters. As noted above, rather than recommending a specific number of full-duty sworn positions, this Charter Amendment should allow for the civilianization of existing sworn positions, as identified by the Police Department and Budget Analyst in this report, without resulting in additional personnel costs and without reducing the current level of police services. Additionally, in accordance with this policy option, this Charter Amendment should also provide that any savings resulting from civilianization be used to hire new Police Officers to perform community policing duties. This policy option would not result in any additional costs or savings.

Additionally, the Budget Analyst recommends that the civilianization of the sworn positions identified in this report be implemented through attrition, as positions are vacated by existing sworn personnel. According to the Police Department, the civilianization of these sworn functions would take from three to five years to implement.

Conclusions

As a result of the restrictions imposed by Proposition D, approved by the voters in June, 1994, on the minimum level of full duty sworn personnel, the Police Department is not currently in compliance with the other provisions of Proposition D, including civilianization and an increase in the number of sworn personnel dedicated to community policing and other police activities.

In fact, the Police Department has undergone a process of "reverse civilianization," in which an increasing number of sworn personnel are performing clerical, administrative and other functions that do not require peace officer status. Meanwhile, there has been a trend towards greater civilianization in other large police departments in California and nationwide.

As a result, the Police Department is incurring as much as \$2.24 million per year in excess personnel costs by using sworn personnel to perform administrative, technical support and/or other non-police functions. This practice can also have a demoralizing effect on existing civilian employees who are being paid less for performing similar functions. Additionally, hiring civilian employees with greater expertise in functions currently being performed by sworn personnel would improve productivity.

Fully implementing the provisions of Proposition D, through civilianization of non-police functions now performed by sworn personnel could result in additional costs to the City of as much as \$8.7 million annually because offsetting reductions in sworn staffing would be prohibited, despite the fact that such reductions would not affect the current level of sworn staffing actually performing police duties.

The Board of Supervisors should consider, as a policy matter, submitting a ballot measure to the electorate to amend Charter Section 4.127 (Proposition D) in order to facilitate the civilianization of sworn positions in the Police Department. Civilianization would enable the Police Department either to (a) realize savings of up to \$2,242,618 per year without reducing the current level of police services; or (b) use this savings to hire an additional 46 Police Officers dedicated to community policing, patrol and investigations.

Policy Options

The Board of Supervisors should:

- 3.1 Consider submitting a ballot measure that would amend Charter Section 4.127 in order to facilitate the civilianization of sworn functions in the Police Department without recommending a specific number of full-duty sworn positions, without resulting in additional personnel costs and without reducing the current level of police services. Additionally, this Charter Amendment should provide that any savings resulting from civilianization accrue to the General Fund.
- 3.2 Consider submitting a ballot measure that would amend Charter Section 4.127 in order to facilitate the civilianization of sworn functions in the Police Department, without recommending a specific number of full-duty sworn positions, without resulting in additional personnel costs and without reducing the current level of police services. Additionally, this Charter Amendment should provide that any savings resulting from civilianization be used to hire new Police Officers to perform community policing duties.

Costs and Benefits

Amending Proposition D to facilitate the civilianization of up to 157 administrative, clerical and/or other non-police functions currently being performed by sworn personnel would result in annual savings of \$2.24 million annually, without reducing the current level of police services.

Alternatively, this \$2.24 million in savings from civilianization could be used to hire as many as 46 new Police Officers, based on a starting salary (including fringe benefits) of \$48,906 per year. These additional Police Officers could be assigned to performing police duties, such as community policing, patrol and investigations.

Additionally, hiring civilian employees with greater expertise in functions currently being performed by sworn personnel would result in increased productivity.

See Note	SFPD Unit	Function	No. of Positions	Current Uniform Position	Maximum Annual Salary	Proposed Civilian Position	Maximum Annual Salary	Current Annual Cost	Proposed Annual Cost	Estimated Annual Savings
Positions Recommended for Civilianization by Budget Analyst and Police Department:										
	Payroll	Research payroll matters; Maintain all payroll files	1	Q2 Police Officer	\$56,976	1220 Payroll Clerk	\$43,483	\$56,976	\$43,483	\$13,493
	Payroll	Manage & direct activities of 9 payroll clerks & 1 clerk typist	1	Q2 Police Officer	\$56,976	1224 Principal Payroll & Personnel Clerk	\$52,931	\$56,976	\$52,931	\$4,045
	Personnel	Manage transfer record keeping; Personnel data & statistics	1	Q2 Police Officer	\$56,976	1203 Personnel Technician	\$42,334	\$56,976	\$42,334	\$14,642
	Medical Liaison	Assist Personnel Sergeant with workers compensation claims	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,517
	Reports	Auto Stats entry (1); Report entry (1)	2	Q2 Police Officer	\$56,976	1720 Data Entry Operator	\$31,685	\$113,952	\$63,370	\$50,582
	Reports	Data entry supervision	1	Q30 Sergeant	\$66,137	1727 Supervising Data Entry Operator	\$40,168	\$66,137	\$40,168	\$25,969
	Support Services	Supervises duty operation of Records, Report entry & Teleserve	1	Q60 Lieutenant	\$75,560	A829 Manager, Permit & License Bureau or equivalent	\$70,802	\$75,560	\$70,802	\$4,758
	Records	Copy, distribute & file reports; Perform clerical duties as required	16	Q2 Police Officer	\$56,976	1424 Clerk Typist	\$35,287	\$911,616	\$564,592	\$347,024
	Records	Record Room supervision	5	Q50 Sergeant	\$66,137	AA67 Records Manager	\$50,056	\$330,685	\$250,280	\$80,405
	Legal	Supports defense litigation; Claims investigations	2	Q380 Inspector	\$66,137	1873 Legal Assistant	\$51,939	\$132,274	\$103,878	\$28,396
	Legal	Legal Division Commanding Officer	1	Q60 Lieutenant	\$75,560	0588 Court Coordinator	\$65,146	\$75,560	\$65,146	\$10,414
	Legal	Court liaison; Court bailiffs	10	Q2 Police Officer	\$56,976	8304 Deputy Sheriff **	\$47,894	\$569,760	\$478,940	\$90,820
	Legal Academy	Supervises Court Liaison	1	Q50 Sergeant	\$66,137	8308 Sheriff's Sergeant **	\$58,516	\$66,137	\$58,516	\$7,621
	Legal Academy	Coordinate outside advanced training	3	Q2 Police Officer	\$56,976	1232 Training Officer	\$54,523	\$170,928	\$163,569	\$7,359
	Academy	Fiscal & college course coordinator	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,516
	Academy	Records & off-site training coordinator	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,516
	Academy	Develop & maintain training video	2	Q2 Police Officer	\$56,976	7302 Audio-Visual Equipment Technician	\$39,776	\$113,952	\$79,552	\$34,400
	Planning/ MIS	Personal computer maintenance & repairs	2	Q2 Police Officer	\$56,976	1807 MIS Technician II	\$31,920	\$113,952	\$63,840	\$50,112
	Planning/ MIS	Telecommunications manager; Telecommunications repair	1	Q2 Police Officer	\$56,976	A805 Telecommunications Systems Director	\$42,047	\$56,976	\$42,047	\$14,929
	Planning/ MIS	Publications; Print Shop coordination; Form development	1	Q2 Police Officer	\$56,976	1778 Reproduction Services Manager	\$45,623	\$56,976	\$45,623	\$11,353
	Planning/ MIS	Facilities manager for all SFPD buildings	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,516
	Planning/ MIS	Building maintenance coordinator	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,516
	Planning/ MIS	Gym coordinator	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,516

Attachment 3.1: Civilian Functions Performed by Sworn Personnel in the SFPD

Sec. Note	SFPD Unit	Function	No. of Positions	Current Uniform Position	Maximum Annual Salary	Current Annual Cost	Proposed Annual Cost	Estimated Annual Savings
	Planning/ MIS	CLETS coordinator; PC programmer & database developer	1	Q2 Police Officer	\$56,976	\$56,976	\$49,460	\$7,516
	Planning/ MIS	Research & special projects	1	Q60 Lieutenant	\$75,560	\$75,560	\$45,727	\$29,833
	Planning/ MIS	Personal computer & LAN manager; PC coordinator	1	Q2 Police Officer	\$56,976	\$56,976	\$44,005	\$12,971
	Fiscal	Assistant Fleet Manager	2	Q2 Police Officer	\$56,976	\$113,952	\$78,822	\$35,130
	Fiscal	Fiscal analysis; Special projects	1	Q2 Police Officer	\$56,976	\$56,976	\$42,152	\$14,824
	Fiscal	Grant administrators; Apply for & administer State & Federal grants	2	Q2 Police Officer	\$56,976	\$113,952	\$98,920	\$15,032
	Fiscal	Grant unit coordinator; Supervises Grant Unit	1	Q50 Sergeant	\$66,137	\$66,137	\$56,689	\$9,448
	Fiscal	Asst. Director, Police Law Enforcement Services Program	1	Q50 Sergeant	\$66,137	\$66,137	\$55,332	\$10,805
	Fiscal	Director, Police Law Enforcement Services Program	1	Q60 Lieutenant	\$75,560	\$62,823	\$75,560	\$12,737
1	District Stations	Station Duty; Facilities/ Vehicles; Permits, Administration	37	Q2 Police Officer	\$56,976	\$2,108,112	\$1,667,775	\$440,337
	District Stations	Subpoenas	5	Q2 Police Officer	\$56,976	\$284,880	\$239,470	\$45,410
	MUNI Detail	MUNI liaison; Statistics; Reports; Analysis	2	Q2 Police Officer	\$56,976	\$113,952	\$79,970	\$33,982
	Mounted Unit	Night watch stables	4	Q2 Police Officer	\$56,976	\$227,904	\$142,508	\$85,396
	Crime Prev. HQ	Clerical	1	Q2 Police Officer	\$56,976	\$35,287	\$35,287	\$21,689
1	Traffic Company	Statistics; Analysis; STOP	5	Q2 Police Officer	\$56,976	\$284,880	\$199,925	\$84,955
	ID Bureau	Telephone and computer work; Warrant checks; Mug shots	1	Q2 Police Officer	\$56,976	\$34,269	\$34,269	\$22,707
	Photo Lab	Office & crime scene photographers	3	Q2 Police Officer	\$56,976	\$170,928	\$125,280	\$45,648
	Photo Lab	Office & crime scene photographers	4	Q380 Inspector	\$66,137	\$264,548	\$167,040	\$97,508
	Photo Lab	Office & crime scene photographers	1	Q380 Inspector	\$66,137	\$66,137	\$49,955	\$16,182
	Subtotal		131			\$7,684,768	\$5,801,239	\$1,883,529
Positions Recommended for Civilianization by Budget Analysis:								
2	Public Affairs	Press releases; Media relations	1	Q2 Police Officer	\$56,976	\$56,976	\$47,789	\$9,187
3	Staff Inspection	Facility site inspections & internal audits	1	Q50 Sergeant	\$66,137	\$66,137	\$56,689	\$9,448
4	EEO	Investigate EEO complaints	1	Q380 Inspector	\$66,137	\$66,137	\$51,939	\$14,198
4	EEO	Investigate EEO complaints	1	Q50 Sergeant	\$66,137	\$66,137	\$51,939	\$14,198

Attachment 3.1: Civilian Functions Performed by Sworn Personnel in the SFPD

See Note	SFPD Unit	Function	No. of Positions	Current Uniform Position	Maximum Annual Salary	Proposed Civilian Position	Maximum Annual Salary	Current Annual Cost	Proposed Annual Cost	Estimated Annual Savings
5	Backgrounds	Background investigations of applicants for sworn positions	3	Q2 Police Officer	\$56,976	1240 Assistant Personnel Analyst	\$43,378	\$170,928	\$130,134	\$40,794
6	Recruitment	Conducts & monitors recruitment & retention programs	1	Q2 Police Officer	\$56,976	1240 Assistant Personnel Analyst	\$43,378	\$56,976	\$43,378	\$13,598
7	Personnel	ADA coordinator	1	Q50 Sergeant	\$66,137	5620 Regulatory Specialist	\$60,108	\$66,137	\$60,108	\$6,029
8	Personnel	Investigation of disability claims	1	0380 Inspector	\$66,137	8139 Industrial Injury Investigator	\$48,729	\$66,137	\$48,729	\$17,408
8	Personnel	Investigation of disability claims	2	Q50 Sergeant	\$66,137	8139 Industrial Injury Investigator	\$48,729	\$132,274	\$97,458	\$34,816
9	Stress	Drug/alcohol treatment	1	Q2 Police Officer	\$56,976	2594 Employee Assistance Counselor	\$48,259	\$56,976	\$48,259	\$8,717
10	Planning/ MIS	Telecommunications manager;	1	Q2 Police Officer	\$56,976	A805 Telecommunications Systems Director	\$42,047	\$56,976	\$42,047	\$14,929
11	Planning/ MIS	Cable coordinator; Manages HOI data system & WANG; Coordinates conversion to PC system; Strategic planner for MIS; Provides technical support	1	0380 Inspector	\$66,137	1818 MIS Specialist II	\$53,453	\$66,137	\$53,453	\$12,684
12	Planning/ MIS	Oversees Planning/ MIS Division	1	Q80 Captain	\$88,714	0636 Division Chief or equivalent	\$76,160	\$88,714	\$76,160	\$12,554
13	Property Control	Evidence booking & control	7	Q2 Police Officer	\$56,976	1920 Inventory Clerk	\$33,617	\$398,832	\$235,319	\$163,513
14	Fiscal	Fleet Manager	1	Q2 Police Officer	\$56,976	7412 Automotive Service Worker Assistant Supervisor	\$43,169	\$56,976	\$43,169	\$13,807
15	Fiscal	Chief Fiscal Officer; Supervise Fiscal & Accounting sections	1	Q80 Captain	\$88,714	1660 Manager, Budget & Performance Monitoring	\$78,770	\$88,714	\$78,770	\$9,944
16	FOB HQ	FOB HQ office staff; Non-clerical functions	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,516
Subtotal				26			\$1,618,140	\$1,214,800	\$403,340	
Total Positions Recommended for Civilianization				157			\$9,302,908	\$7,016,039	\$2,286,869	
Civilian Functions Which Could be Performed by Modified Duty Officers:										
Permits		Permit applications; Cost recovery	2	Q2 Police Officer	\$56,976	None	\$0	\$113,952	\$113,952	\$0
Records		Copy, distribute & file reports; Perform clerical duties as required	2	Q2 Police Officer	\$56,976	None	\$0	\$113,952	\$113,952	\$0
Teleserve		Take non-investigative police reports via telephone	9	Q2 Police Officer	\$56,976	None	\$0	\$512,784	\$512,784	\$0
Teleserve		Supervise daily operation of Teleserve Unit	1	Q50 Sergeant	\$66,137	None	\$0	\$66,137	\$66,137	\$0
Operations Center		Telephone notifications	6	Q2 Police Officer	\$56,976	None	\$0	\$341,856	\$341,856	\$0
Operations Center		Telephone notifications	5	0380 Inspector	\$66,137	None	\$0	\$330,685	\$330,685	\$0

Attachment 3.1: Civilian Functions Performed by Sworn Personnel in the SFPD

See Note	SFPD Unit	Function	No. of Positions	Current Uniform Position	Maximum Annual Salary	Proposed Civilian Position	Maximum Annual Salary	Current Annual Cost	Proposed Annual Cost	Estimated Annual Savings
	Police Commission	Manage Police Commission	1	0460 Commission Secretary	\$75,560	None	\$0	\$75,560	\$75,560	\$0
	Total - Modified Duty Positions		26					\$1,554,926	\$1,554,926	\$0
	Total - All Salaries							\$10,857,834	\$8,570,965	\$2,286,869
	Fringe Benefits***							\$1,921,837	\$1,966,087	(\$44,251)
	Total-Civilian Functions Performed by Sworn Personnel		183					\$12,779,671	\$10,537,053	\$2,242,618

* An entry in this column indicates that the Police Department did not completely concur with the Budget Analyst regarding the civilianization/elimination of this function.
See Notes to Attachment 3.1, which follow this table, for further details.

** Conversion would substitute Sworn Deputy Sheriff positions for Police Officers, resulting in net savings as indicated.

*** Fringe benefit calculations are based on 17.7 percent of base salary for sworn personnel and 24.1 percent of base salary for civilian personnel. The lower rate for sworn personnel is primarily because the City is not required to pay FICA taxes (6.2 percent of base salary) for sworn personnel.

Notes to Attachment 3.1

1. The Police Department concurs with these recommendations in general, but believes that some unspecified number of these positions should continue to be sworn. However, the Police Department has not adequately justified the need to continue using sworn personnel to perform these personnel and administrative duties and/or statistical analysis.
2. According to the Police Department, this position requires a person who can speak with authority on all police matters, and that the press often insists on speaking directly with a sworn member of the Department. The Budget Analyst believes that it is not necessary for an employee to have peace officer status in order to be capable of performing public relations functions. Additionally, based on our survey results, the Cities of Los Angeles, Sacramento and San Diego indicated that they have specialized civilian classifications (e.g. Public Relations Specialist, Public Information Director, Police Information Officer, Public Information Officer, etc.) for public relations functions.
3. The Budget Analyst concurs with the Police Department that site inspections should continue to be performed by sworn personnel. However, the site inspection function should be transferred to another sworn employee, and internal audit functions, which are currently divided between two sworn personnel, should be consolidated into one position and civilianized.
4. The Police Department maintains that peace officer status is required in order to investigate EEO complaints because of the need for confidentiality, the need to have access to all facets of the criminal justice system, and because these investigations may result in the initiation of disciplinary action. However, all EEO investigations are required to be kept confidential, regardless of whether sworn or civilian personnel are involved. Further, this function is performed by civilian personnel in other City departments.
5. The Police Department argues that these positions must be sworn because they are investigative positions, and that civilians cannot lawfully access criminal history information. However, the Police Department should conduct horizontal (versus vertical) background investigations by segregating duties, i.e. by assigning duties that require access to criminal history information to sworn personnel and by assigning all other duties related to background investigations to civilian personnel. This would permit civilianization of three of the six positions currently performing this function. Additionally, based on our survey results, the Cities of Sacramento and Santa Ana indicated that they have specialized civilian classifications (e.g. Police Background Assistant, Background Investigator) for background investigations.
6. The Police Department argues that this employee is responsible for meeting directly with potential applicants and therefore must be an experienced officer who can speak with authority about the job and the training program. However, the Budget Analyst believes that it is not necessary to have peace officer status in order to be capable of meeting with potential applicants, speaking with authority about the job/training or performing other recruitment functions.
7. The Police Department states that this position must remain sworn because this individual is the primary liaison with the disabled community, needs an intimate knowledge of police practices and trains officers on working with the disabled. However, the Budget Analyst believes that it is not necessary to have peace officer status in order to be able to perform any of these functions. A civilian employee with a background in workers compensation and disability law would be equally qualified to perform these functions.

8. The Police Department maintains that these positions must be sworn because these individuals supervise or conduct investigations that involve covert surveillance of both sworn and non-sworn personnel. However, the Budget Analyst notes that in the Workers Compensation Division of the Department of Human Resources, claims validation is performed by non-sworn employees. Additionally, other City departments, such as the District Attorney and the Public Defender have non-sworn investigators. Also, the Fire Department is currently utilizing the Department of Human Resources for claims validation.
9. According to the Police Department, this position must remain sworn, given the reluctance of public safety personnel to seek professional help for mental and emotional problems, and the documented effectiveness of peer counseling in getting them to accept this help. However, the Budget Analyst argues that a civilian employee, with proper training and an educational background in psychology, would be equally qualified to perform this function. Additionally, based on our survey results, the Cities of Riverside and Los Angeles indicated that they have specialized civilian classifications (e.g. Police Services Counselor, Police Psychologist) to perform this function. We also note that a Police Psychologist position has recently been added to the SFPD budget.
10. The Police Department argues that this position should remain sworn because this employee is responsible for setting up field telecommunications during special events. The Budget Analyst disagrees that peace officer status is needed in order to have the necessary expertise in setting up telecommunications systems.
11. According to the Police Department, this position must remain sworn because this employee is required to work with other law enforcement agencies, act as the Department's representative on interagency meetings and working groups and serve on the State's CLETS Policy Board. However, the Police Department has recommended civilianization of this position in the past. Additionally, the Budget Analyst disagrees that peace officer status is needed in order to be capable of performing these functions, especially given that this position is primarily responsible for handling management information systems (MIS).
12. The Police Department argues that this position must remain sworn because this employee is a senior member of the Administration Bureau, is responsible for long-term strategic planning of facilities, technologies and operational strategies and must have direct experience in all facets of the Department. The Budget Analyst disagrees that peace officer status is required in order to be capable of performing planning functions. The Budget Analyst further notes that there are private firms that specialize in assisting law enforcement agencies in developing long-term operational and facilities plans, and contracting out for this service is also an option.
13. According to the Police Department, these positions must remain sworn because these employees have direct access to evidence, including firearms, cash and other valuable evidence, are on-call 24 hours per day to respond to crime scenes for the collection of evidence, have direct responsibility for the security of evidence, have daily contact with arrestees, and are responsible for the destruction of extremely sensitive evidence related to homicides, sexual assaults and child pornography. While the Budget Analyst acknowledges that these are extremely important and sensitive functions, we question whether peace officer status is necessary in order to be capable of performing these functions, especially since five of the six cities we surveyed indicated that they have specialized civilian classifications to perform these functions (e.g. Property Officer, Police Property Specialist, Police Property Supervisor, Police Property & Evidence Specialist/Supervisor, Property Assistant, etc.).

14. The Police Department states that this position must remain sworn since this employee is responsible for developing vehicle maintenance programs, evaluating and developing specifications for all police motor vehicles and needs to have practical law enforcement experience. However, the Police Department has recommended civilianization of this position in the past. Additionally, the Budget Analyst disagrees that peace officer status is needed in order to be capable of performing fleet management functions. Based on our survey results, the Cities of Los Angeles, Riverside and San Diego indicated that they have specialized civilian classifications (e.g. Police Fleet Services Supervisor, Director of Police Transportation, Fleet Manager) to perform these functions.
15. The Police Department argues that this position must remain sworn because this individual is a senior member of the management team and represents the Department in front of the Board of Supervisors. The Budget Analyst disagrees that peace officer status is needed in order to be capable of performing these functions, and that a civilian employee with a background and education in finance and budget would be equally qualified to act as the Department's Chief Fiscal Officer.
16. The Police Department maintains that this position must remain sworn because this employee is needed for public contacts. The Budget Analyst disagrees that peace officer status is necessary in order to be capable of making public contacts or of serving as office staff.

Section 4. Special Event Overtime

- Although other categories of Police overtime declined or remained steady during FY 1996-97, special event overtime increased by 41 percent in FY 1996-97. Special event overtime has fluctuated over the past four years, representing between 27 percent and 41 percent of all paid overtime hours. In FY 1996-97, special event overtime represented approximately 46 percent of all paid overtime hours.
- Special events impact the operations of the district stations by diverting police officers from their normal duties, and requiring that other police officers work high amounts of overtime on their scheduled days off. For every special event in FY 1996-97, an average of 260 hours of police coverage were provided by the Police Department, at a cost of over \$8.2 million annually.
- Forming a special event unit under the Special Operations Division would lessen the drain on district stations resulting from special events and would reduce special event overtime expenditures by as much as \$1.1 million per year.
- In addition, the Board of Supervisors should consider a policy option that would improve the Police Department's ability to recover the cost of providing police coverage at certain types of special events, thereby generating as much as \$650,000 in additional revenue to the City annually.

As part of Phase 1 of the Performance Audit of the San Francisco Police Department, we reviewed and analyzed police overtime expenditures, policies and practices and had five findings and 27 recommendations designed to reduce police overtime expenditures by as much as \$6.7 million per year, including up to \$2.2 million in reduced expenditures and increased revenues related to special event overtime. According to the Police Department, the Budget Analyst's recommendations regarding overtime quotas for individual units and court overtime for preliminary hearings have been implemented. However, the Police Department reports that most of the other recommendations have not been implemented because they are subject to meet and confer requirements with the Police Officers Association (POA). As of the writing of this report, the results of such meet and confer discussions were not available.

As part of Phase 2 of this performance audit, we reviewed police overtime expenditures again in order to update our analysis, especially with regard to special event overtime. In FY 1996-97, the Police Department incurred \$13,115,539 in General Fund overtime expenditures (not including \$2,742,532 in General Fund holiday overtime pay), which represents an increase of \$524,192 (4.2 percent) in General Fund overtime expenditures from the FY 1995-96 level of \$12,591,347 (excluding \$2,582,538 in General Fund holiday overtime pay). According to the Police Department, this increase results primarily from an increase in special event overtime. Special event overtime represented an estimated \$5,980,630 (46 percent) of the Department's \$13,115,539 in FY 1996-97 General Fund overtime expenditures.

The Controller's latest six month expenditure projections for the current 1997-98 Fiscal Year indicate that the SFPD will spend approximately \$2.2 million more than its current overtime budget, but that such overtime will be offset by savings in permanent salaries.

Police Overtime Expenditures by Category

The SFPD tracks General Fund non-holiday overtime use by unit and by the type of overtime. Specifically, there are five types of General Fund non-holiday overtime:

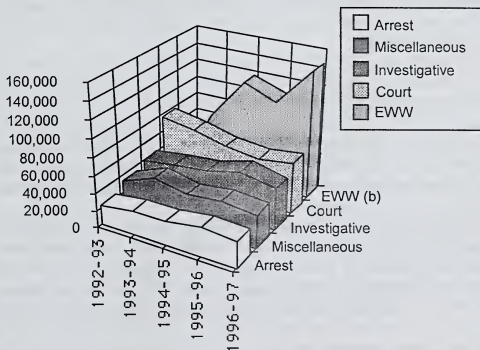
- **Extended Work Week (EWW) or Special Event Overtime** reflects overtime paid to officers who work beyond their scheduled shifts, or work on their scheduled days off to provide special event coverage. Additionally, EWW overtime has historically been used to provide backfill coverage at district stations in order to maintain a minimum level of staffing.
- **Investigative Overtime** is incurred primarily by inspectors in the Investigators Bureau who work beyond their scheduled hours in order to interview witnesses or serve arrest warrants.
- **Court Overtime** is paid to sworn employees who are subpoenaed to appear in court during off-duty hours.
- **Miscellaneous Overtime** consists of civilian overtime and sworn overtime used for training, attending meetings or carrying out other functions during off-duty hours.
- **Arrest Overtime** is typically paid to district station police officers who are sometimes required to stay beyond their scheduled shifts to complete arrests and/or to file incident reports.

Table 4.1 and Exhibit 4.1 below show overtime use by category from 1992-93 through 1996-97.

Table 4.1
Hours of Overtime by Category (a)
Police Department, FY 1992-93 through FY 1996-97

Fiscal Year	EWW (b)	Investigative	Court, Court-related	Miscellaneous	Arrest	Total Hours
1992-93	--	40,108	76,417	32,253	23,674	172,452
1993-94	70,875	44,884	69,102	46,668	28,057	259,586
1994-95	118,412	47,725	58,915	39,250	27,608	291,910
1995-96	103,858	57,051	53,774	42,662	32,687	290,032
1996-97	146,547	48,471	58,726	38,055	29,579	321,378

Exhibit 4.1
Hours of Overtime by Category (a)
Police Department FY 1992-93 through FY 1996-97



(a) Excludes accrued compensatory hours.

(b) Records of EWW usage for FY 1992-93 were not available. Additionally, the large increase in EWW overtime between FY 1993-94 and FY 1994-95 can be explained in part by a change in accounting procedures for EWW overtime and by the occurrences of the San Francisco *Examiner* newspaper strike in November 1994 and the UN 50 Celebration in June 1995, which both resulted in a significant amount of EWW overtime during FY 1994-95. The large increase in FY 1996-97 is primarily the result of the Mayor's Conference, which took place in June of

1997, and which resulted in 23,310 EWW overtime hours. Excluding the 23,310 EWW hours for the Mayor's Conference, the number of EWW overtime hours would have been 123,237 in FY 1996-97, or 41 percent of all paid overtime hours.

Table 4.1 illustrates that total paid overtime hours have generally increased from year to year over the past five years, from 172,452 hours in FY 1992-93 to 321,378 hours in FY 1996-97, or an 86 percent increase over five years. Additionally, Exhibit 4.1 demonstrates that investigations, arrest and miscellaneous overtime declined in FY 1996-97. Court overtime, although it increased in FY 1996-97, was lower in FY 1996-97 than the average of the past five years.

On the other hand, EWW or special event overtime increased by 41 percent in FY 1996-97, from 103,858 hours in FY 1995-96 to 146,547 hours in FY 1996-97. According to the Police Department, this large increase in EWW overtime was caused primarily by the Mayor's Conference, which took place in June of 1997, and for which the Police Department incurred \$940,072 in overtime expenditures (based on 23,310 EWW hours).

Appendix 4 of this report contains a table, provided by the Police Department, that illustrates the number and cost of special events by category (e.g. athletic, celebrations, demonstrations, parades, etc.) over the four year period from FY 1993-94 through FY 1996-97.

Special Event Overtime

Special events are the single largest reason for overtime in the Police Department. In FY 1996-97, the Department logged 146,547 overtime hours for special events, which represents 46 percent of all General Fund non-holiday overtime hours.

Hundreds of special events occur within City limits each year. Such events include street fairs such as the Fillmore and Haight Street Fairs, demonstrations by labor organizations or political groups, athletic events such as Bay to Breakers and the San Francisco Marathon, large celebrations such as Cinco de Mayo and Carnaval, parades such as Chinese New Year and the Gay and Lesbian Freedom Day Parade, 49ers and Giants games, and other events such as funerals and dignitary visits. Many of the larger events are planned by organizers well in advance (such as Carnaval or Bay to Breakers) or take place on a regular basis (such as Critical Mass), while smaller events such as labor demonstrations or critical incidents often occur with little or no advance notice.

The Police Department is the City agency which is primarily responsible for ensuring that special events take place in a safe and orderly fashion and without too much disturbance to non-participants. This usually involves posting signs,

setting up traffic barricades, deploying officers for crowd control on foot, bicycle, horse, motorcycle or other mode of transportation and deploying officers on standby. The Department must usually re-deploy or extend shifts of on-duty personnel, or schedule off-duty personnel in order to respond to emergency situations or special events and still maintain a basic level of law enforcement services. Because special events often involve extending the shifts of on-duty personnel or scheduling off-duty personnel, special event overtime is categorized and tracked as Extended Work Week or EWW overtime. Special events impact the operations of the district stations by diverting police officers from their normal duties, and requiring that other police officers work high amounts of overtime on their scheduled days off.

We conducted an analysis in Phase 1 of this performance audit in order to determine: (a) how much police coverage is provided at each special event; and (b) what measures could be taken to reduce the cost of providing special event coverage, including alternatives that would be less disruptive to district station operations and provide more consistent availability of police officer staff for special events. Given the large increase in special event overtime that occurred during FY 1996-97, we decided to review and update our findings and recommendations regarding special event overtime from Phase 1 during Phase 2 of this performance audit.

Based on our analysis, we found that, in FY 1996-97, the Police Department deployed sworn employees at 853 special events (excluding the Mayor's Conference, which resulted in 23,310 EWW overtime hours and 9,660 on-duty hours of police coverage). The SFPD provided 221,983 hours of police coverage for special events (or an average of approximately 260 hours of coverage per event), consisting of 86,063 on-duty hours and 135,920 overtime hours. This is equivalent to approximately 125 full-time equivalent (FTE) personnel devoted to special event coverage on a full-time, annual basis. Of these 125 personnel, approximately 48 employees are diverted from their regular assignments in order to provide police coverage for special events. The General Fund cost of deploying officers to cover special events (excluding the Mayor's Conference) was an estimated \$8,222,535 in FY 1996-97, consisting of \$2,706,760 in regular pay, \$5,397,289 in overtime pay, \$115,349 in premium pay and \$3,137 in miscellaneous expenses.

Furthermore, of the overall total of 221,983 hours of police coverage provided for special events during FY 1996-97 (excluding the Mayor's Conference), we determined that officers from the district stations provided an estimated 95,852 (43 percent) of these hours, consisting of 23,622 on-duty hours and 72,230 overtime hours. This is equivalent to approximately 54 FTE personnel devoted to special event coverage on a full-time, annual basis, including 13 FTE personnel who are diverted from their regular assignments at the district stations.

In addition, of the overall total of 221,983 hours of police coverage provided for special events during FY 1996-97 (excluding the Mayor's Conference), we also found that officers from the Special Operations Division, which is comprised of the Crime Prevention Company, the MUNI Transit Company, the Housing Detail and the Traffic Company, provided approximately 110,156 of these hours, consisting of 59,452 on-duty hours and 50,704 overtime hours. This is equivalent to approximately 62 FTE personnel devoted to special event coverage on a full-time, annual basis.

Accordingly, special events present a significant drain on police resources, especially at the district stations. In Phase 1 of this performance audit, we learned from district captains that the deployment of on-duty officers from the districts takes away from the ability of the districts to provide sufficient staff to perform regular police duties, such as responding to calls for service. In addition, as noted above, special event coverage is the single largest reason for overtime in the Police Department.

Special Event Planning and Management

In Phase 1 of this performance audit, we reviewed special event planning and management and recommended that the Police Department develop a special event evaluation form which includes criteria and standards against which the level of police coverage provided for each special event can be measured and used in the future as the basis for planning for special event deployment. In addition, we recommended that the Police Department, with the objective of reducing the amount of special event coverage provided by the Police Department, implement a new policy requiring that commanding officers complete an evaluation for each special event for which police coverage is provided.

The Police Department has not implemented these recommendations because, according to the Police Department, requiring that follow-up reports be completed for each special event would result in an additional level of paperwork that would not necessarily improve the Department's ability to effectively staff recurring events.

Additionally, the Department maintains that sufficient review and evaluation of police coverage for special events already takes place. For example, the Police Department prepares a deployment plan, called the operational order, for each special event. The operational order contains (a) the event description, including the date, time, location and estimated attendance, and an assessment of whether there may be an increase in crime activity during the event; (b) a mission statement; (c) an execution and deployment plan; and (d) equipment, command and

communications needs. Operational orders for special events that are confined to the boundaries of one district are prepared by the district captain, and are subject to approval from Field Operation Bureau (FOB) headquarters, while operational orders for large, City-wide events are prepared centrally by FOB headquarters. Following the event, if a significant incident took place during the event (e.g. a violent crime incident), and/or at FOB's request, the event commander may submit an "after action" report describing that incident and the Department's response.

The Police Department reports that these operational orders and after action reports are used to develop event histories, which are in turn used as a basis to prepare future operational orders for that event, when it recurs, or for new, similar types of events. According to the Police Department, a significant level of discussion and evaluation of police coverage for special events already occurs among Police Department managers and event planning staff when updating and revising the operational orders from year to year. However, according to staff from the Police Department, this process is not documented in writing, for both public safety and police officer safety reasons. For example, it may be undesirable for certain members of the general public to know that a decision has been made to reduce the level of police coverage for a particular special event from the prior year's level (e.g., based on the determination that little crime activity has taken place at that event in prior years).

Furthermore, according to the Police Department, although the Department's response to special events may sometimes appear excessive, the primary mission of the Department in responding to special events includes the prevention of crime. As such, to the extent that crime activity can be kept to a minimum at a special event indicates that the level of coverage provided by the Police Department at that event is appropriate, and a reduction in police coverage may not be desirable.

In addition, the Police Department previously used a Police Service Cost Report to record the name, date, time, location and type of the event, the number of on-duty and overtime hours incurred for the event, and related comments. However, the Police Department reports that this report did not always provide complete and accurate information on the amount of police coverage provided at special events, as FOB records on special event overtime significantly under-stated the actual number of special event overtime hours incurred, as reported in payroll records. As a result, the Police Department has revised the Police Service Cost Report so that it reflects only on-duty special event coverage. According to the Police Department, it is currently in the process of developing a method for the more accurate tracking of EWW overtime incurred for special events.

The Formation of a Special Event Unit

During our interviews with district captains, several captains identified special event coverage as one of the major factors which impacts available staffing at the district stations. In Phase 1 of this performance audit, we found that the diversion of on-duty police personnel from their regular duties at the district stations is particularly burdensome on weekends, when there is an increase in the number of calls for service. In fact, during Phase 1, we found that 40 percent of on-duty special event coverage occurs on Saturdays and Sundays. As a result, there are fewer staff available to respond to the higher number of calls for service on weekends.

In Phase 1 of this performance audit, the Budget Analyst recommended that the Police Department create a unit of officers under Field Operations Headquarters which is scheduled to provide special event coverage on a full-time basis. This unit would consolidate police coverage for special events currently provided by both the district stations and the Special Operations Division under one unit. According to the Police Department, this recommendation was not implemented due to insufficient staff, and because creating such a unit would have pulled Police Officers away from the district stations.

As such, the Budget Analyst has worked together with Police Department staff to improve this recommendation. The Budget Analyst, based on input from Police Department staff, now recommends supplementing the existing Special Operations Group with two additional squads of one Sergeant and seven Police Officers each (for a total of two Sergeants and 14 Police Officers or 16 personnel). These squads would serve as the primary response units for special events during periods when the majority of special events take place. During Phase 1, we found that Fridays, Saturdays, Sundays and Mondays are the days on which relatively more special event coverage is provided by the Police Department, whereas less special event coverage is provided on Tuesdays, Wednesdays and Thursdays. Thus, these two squads should be assigned to fixed shifts at the district stations primarily on weekends, based on the times at which most special events take place, as determined by the Police Department.

The Police Department advises that these two special event squads could be staffed using 16 positions, as additional sworn personnel are hired by the Department over the next 18 months to fill existing and anticipated vacancies in the Department.

The formation of such a special event unit could potentially result in a reduction in special event overtime by as many as 28,400 hours per year, based on 16 officers working an average of 1,775 hours per year (85 percent of scheduled hours), for an annual savings of \$1,109,304 (28,400 hours x the average hourly overtime rate of

\$39.06). The creation of a special event unit would also result in a reduction in the number of on-duty hours devoted by district police officers to special event coverage, thereby allowing them to dedicate more time to perform their regular police duties, such as responding to calls for service. If successful, the Department could consider increasing the number of officers assigned to the Special Event Unit.

Special Event Cost Recovery

In Phase I of the Performance Audit of the Police Department, the Budget Analyst found that the Police Department provided police coverage at many special events at minimal, if any, cost to the event sponsor. As such, the Budget Analyst recommended that the Police Department develop policy options for consideration by the Board of Supervisors for generating additional revenues in order to offset the cost of providing police coverage at special events. In response to this recommendation, the Police Department has prepared a memorandum, which is included in Appendix 4 of this report, which requests that the Board of Supervisors consider amending Section 2.70-6 (f) of the Administrative Code in order to improve the Police Department's ability to recover the cost of providing police coverage at certain types of special events. The Budget Analyst recommends that the Board of Supervisors consider this policy option. The Budget Analyst estimates that such an amendment to the Administrative Code could potentially generate as much as \$650,000 per year in additional revenues to the Police Department, based on actual FY 1996-97 experience. According to the Police Department, this proposal will be submitted to the Police Commission for approval at a future date.

Conclusions

Although other categories of Police overtime declined or remained steady during FY 1996-97, special event overtime increased by 41 percent in FY 1996-97. Special event overtime has fluctuated over the past four years, representing between 27 percent and 41 percent of all paid overtime hours. In FY 1996-97, special event overtime represented approximately 46 percent of all paid overtime hours.

Special events impact the operations of the district stations by diverting police officers from their normal duties, and requiring that other police officers work high amounts of overtime on their scheduled days off. For every special event in FY 1996-97, an average of 260 hours of police coverage were provided by the Police Department, at a cost of over \$8.2 million annually.

Forming a special event unit under the Special Operations Division would lessen the drain on district stations resulting from special events and would reduce special event overtime expenditures by as much as \$1.1 million per year.

In addition, the Board of Supervisors should consider a policy option that would improve the Police Department's ability to recover the cost of providing police coverage at certain types of special events, thereby generating as much as \$650,000 in additional revenue to the City annually.

Recommendations

The Deputy Chief of Field Operations should:

- 4.1 Create a unit of officers under Field Operations Bureau Headquarters to serve as the primary response unit for special events during periods when the majority of special events take place.

The Board of Supervisors should:

- 4.2 Consider the policy option of modifying the Administrative Code, as described in the Police Department's memorandum (see Appendix 4), in order to enable the Police Department to improve its ability to recover the cost of providing police coverage at certain types of special events.

Costs and Benefits

There would be no costs associated with implementing the recommendations contained in this section.

Forming a special event unit under Field Operations Headquarters in accordance with the recommendations in this section would lessen the drain on district stations resulting from special events and could reduce special event overtime expenditures by as much as \$1,109,304 per year.

Implementation of the policy option to amend the Administrative Code could generate additional revenues of up to \$650,000 annually, which could be used to offset the Police Department's cost of providing police coverage at certain types of special events.

Appendix 1. Management Staffing and Supervision of Sworn Personnel

Supervision is management's key to ensuring that the department's stated goals and objectives are met by employees. In this management audit, we reviewed and analyzed levels of management staffing and supervision among sworn personnel of the San Francisco Police Department. As part of this review and analysis, we examined the overall management structure of the Department and calculated detailed supervisor to staff ratios in order to determine whether (a) the Police Department has sufficient supervisory positions to manage line staff, or (b) whether there are an excessive number of higher level management/supervisory positions compared to line staff.

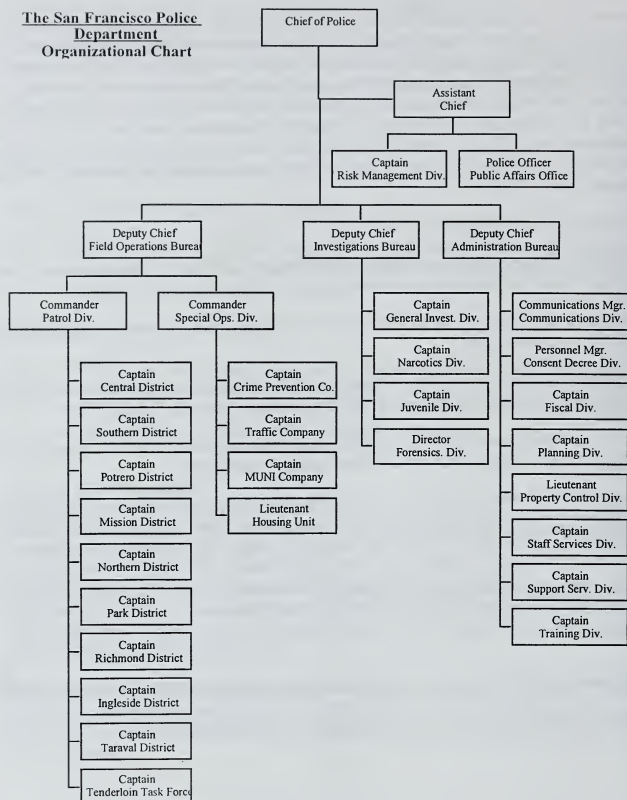
To accomplish these objectives, we:

- Obtained and analyzed personnel distribution reports and organizational data for the Police Department as a whole;
- Obtained and analyzed data on staffing configurations and shift assignments at the 10 district stations;
- Conducted a survey of San Francisco Police Department staff on reporting relationships among sworn and civilian personnel; and
- Surveyed the largest California police departments (other than San Francisco) to obtain data on sworn staffing and management structure.

Overall, we found that, based on a survey of other large, urban police departments in California, that the SFPD does not appear to have higher levels of upper management ("command") staffing or excessive supervisory staffing in relation to the number of police officers in the Department. We also found that the organization and ratios of supervisory personnel were consistent with the organization of most paramilitary models of organization.

Management Structure of the San Francisco Police Department

A departmental organizational chart is shown on the following page.

The San Francisco Police
Department
Organizational Chart

In San Francisco, sworn staff consists of the following classifications (in order of rank):

- 0390 Chief of Police
- 0395 Assistant Chief
- 0400 Deputy Chief
- 0488 Commander
- Q80 Captain
- Q60 Lieutenant
- Q50 Sergeant*
- 0380 Inspector*
- Q2 Police Officer

The Chief of Police is the top manager in the San Francisco Police Department. The Chief of Police is appointed by and reports directly to the Police Commission. Second in command is the Assistant Chief, who oversees the Risk Management Section (e.g., Management Control, Legal Division, Staff Inspection and Equal Employment Opportunity) and Public Affairs. The Assistant Chief reports to the Chief of Police. Below the Assistant Chief are the three Deputy Chiefs, all of whom also report directly to the Chief. Each Deputy Chief oversees a bureau (Administration, Field Operations and Investigations).

The ranks of Commander and Captain are also considered to be management classifications. Persons holding the Lieutenant rank can be either first-line or second-line supervisors. Persons holding a Sergeant classification are usually the first-line supervisors, while persons holding an Inspector classification do not typically have supervisory responsibilities. In addition to supervising sworn employees, sworn managers and supervisors are often also responsible for supervising civilian administrative staff.

The duties of the Sergeant, Lieutenant, Captain and other sworn classifications are specifically described in the Department's General Orders. In addition, there are Peace Officer Standards of Training (POST) mandated training and performance standards which must be met by persons holding the ranks of Sergeant, Lieutenant or Captain. One of these requirements is that sworn members who pass the Civil Service exam for the Sergeant, Lieutenant or Captain ranks are required to attend a two-week management/supervision course prior to being promoted to one of these ranks.

* It is possible for sworn members who have passed the Civil Service exams for both the Sergeant and Inspector ranks to hold the dual rank of Sergeant-Inspector, which is above both the Sergeant and the Inspector in rank.

Administration Bureau

The Administration Bureau, which is headed by one of the three Deputy Chiefs, oversees the following divisions. Each division is headed by a Captain, Lieutenant or a non-sworn manager who reports directly to the Deputy Chief of Administration.

<u>Division</u>	<u>Management Classification</u>
Communications	Communications Manager
Consent Decree	Personnel Manager
Fiscal	Captain
Planning and Research	Captain
Property Control	Lieutenant
Staff Services	Captain
Support Services	Captain
Training	Captain

Each division of the Administration Bureau is staffed by a mixture of Lieutenants, Sergeants, Inspectors, Police Officers and non-sworn personnel. Recommendations regarding staffing in the Administration Bureau, including the potential for civilianizing many of the sworn positions, are included in Section 3 of this report.

Investigations Bureau

The Investigations Bureau is also headed by a Deputy Chief. There are four divisions in the Investigations Bureau, each of which is headed by a Captain or non-sworn manager reporting directly to the Deputy Chief of Investigations.

<u>Division</u>	<u>Management Classification</u>
General Investigations	Captain
Narcotics	Captain
Juvenile	Captain
Forensics	Director of Forensics

Each division within the Investigations Bureau is further divided in units or details, headed by a Lieutenant and staffed primarily by Inspectors. Staffing of the Investigations Bureau is further discussed in Section 1 of this report.

Field Operations Bureau

The organizational structure of Field Operations Bureau is shown on Page 120. The Field Operations Bureau is comprised of two divisions, Patrol and Special Operations. As such, the Field Operations Bureau has two Commanders who directly report to the Deputy Chief of the Field Operations Bureau. One Commander oversees the Patrol Division, which consists of the 10 district stations,

each of which is headed by a Captain. The other Commander oversees four specialized units of the Special Operations Division, including: the Crime Prevention Company (Mounted Police, Park/Beach Patrol, Bomb Squad, Canine Unit, TAC Squad, Air-Marine Unit); the Traffic Division (Motorcycles and Traffic Administration); the Housing Detail; and the MUNI Detail. Each of these specialized units is headed by a Captain, except the Housing Detail, which is headed by a Lieutenant.

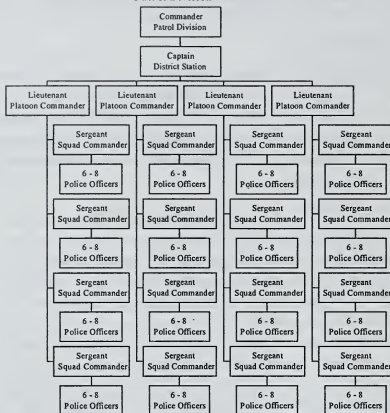
The units of the Field Operations Bureau are organized, in a military fashion, into platoons and squads. A platoon consists of approximately four squads and is supervised by a Lieutenant, the "Platoon Commander." According to the Police Department, the optimal staffing level for a squad should be seven or eight Police Officers supervised by one Sergeant. The Sergeant has direct responsibility for the Police Officers in his or her squad.

For example, in the Patrol Division, each district has four Platoon Commanders who hold the rank of Lieutenant, each of whom oversees approximately four squads. Also, each district station has between 14 and 17 squads, each consisting of one Sergeant and up to eight Police Officers, depending on the number of Police Officers assigned to each district station (there are between 60 and 130 Police Officers per district station). In terms of scheduling, there is at least one Lieutenant on duty at all times at each district station. There are two Lieutenants assigned to the day watch (6 am to 4 pm) and two Lieutenants assigned to the night watch (4 pm to 2 am). Between the hours of 2 am and 6 am, a Sergeant serves as an acting Lieutenant. In addition, the Police Department advises that Sergeants are assigned to work the same shifts as the Police Officers whom they directly supervise.

In the Special Operations Division, each unit has at least one Lieutenant, each of whom oversees between three to six squads. Each unit also has between three and 13 squads, each consisting of seven to eight officers and one Sergeant. As in the Patrol Division, Sergeants and the Police Officers in their squads are assigned to the work the same shifts.

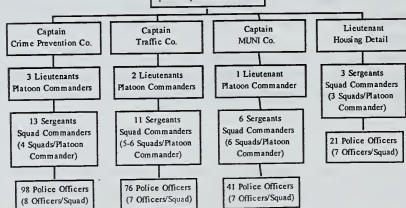
Field Operations Bureau

Patrol Division*



* Chart reflects typical organizational structure for the 10 district stations.

Special Operations

Commander
Special Operations Division

Management Structures of the Surveyed Police Departments

In order to compare SFPD's organizational structure to other police departments, we surveyed the police departments of the 10 largest cities in California (other than San Francisco). We received responses from seven of the 10 police departments. Based on these responses, we found the management and staffing configurations of the San Francisco Police Department to be quite similar to the organizational structures of other large California police departments.

For example, Table A1-1 below illustrates that the SFPD is within the range of ratios of management personnel to other sworn personnel for the six police departments that submitted detailed responses to our survey.

Table A1-1

Ratio of Management to Other Sworn Personnel in the SFPD and Six Other Large California Police Departments

Rank	Los Angeles	San Diego	San Jose	Sacramento	Santa Ana	Riverside	San Francisco
Chief	1	1	1	1	1	1	1
Assistant Chief	0	5	1	0	0	0	1
Deputy Chief	10	0	4	3	0	0	3
Commander	17	0	0	0	0	0	2
Captain	<u>64</u>	<u>12</u>	<u>11</u>	<u>9</u>	<u>3</u>	<u>6</u>	<u>25</u>
Subtotal - Management	92	18	17	13	4	7	32
Other Sworn Positions	<u>8,945</u>	<u>1,988</u>	<u>1,272</u>	<u>599</u>	<u>401</u>	<u>329</u>	<u>2,060</u>
Total Sworn Positions	9,037	2,006	1,289	612	405	336	2,092

Ratio of Management Personnel to Other Sworn Personnel	1:97	1:110	1:75	1:46	1:100	1:47	1:64
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Using the data provided by the surveyed jurisdictions, we also developed Table A1-2, on the following page, which displays information on district police stations and their command structures for each of the surveyed police departments and the SFPD.

As illustrated in Table A1-2, although San Francisco has the highest number of district police stations per square mile and the second lowest population per district station compared to the other police departments surveyed, the SFPD is quite similar to the other police departments in terms of its command structure at district police stations.

Table A1-2

**District Police Stations, SFPD and
Seven Other Large California Police Departments**

	Los Angeles	San Diego	San Jose	Sacramento	Long Beach	Santa Ana	Riverside	San Francisco
No. of Square Miles	466.8	331.0	174.5	98.0	55.0	27.2	78.5	49.0
No. of District Police Stations*	18	8	1	4	4	4	5	10
Average Square Miles in District	25.9	41.4	174.5	24.5	13.8	6.8	15.7	4.9
Population (1996)	3,638,100	1,183,100	849,400	384,800	437,800	305,800	243,400	755,300
Population Density per District Station	202,117	147,888	849,400	96,200	109,450	76,450	48,680	75,530
Commanding Officer(s) of each District Station	1 Capt. III & 1 Capt. I	1 Capt.	3 Capt.**	1 Capt.	1 Com- mander	1 Lt.	1 Lt.	1 Capt.
Maximum Annual Salary	\$109,736/ \$92,885	\$84,951	\$87,905	\$77,644	n/p	n/p	\$72,864	\$84,929
Platoon Commanders @ each District	1 Lt. II & 4 Lt. I	2 - 4 Lts.	23 Lts.	4 Lts.	3 Lts.	4 Sgts.	3 - 4 Sgts.	4 Lts.
Squad Commanders @ each District	8 Sgt. II & 27 Sgt. I	15 Sgts.	122 Sgts.	9 Sgts.	11 - 12 Sgts.	n/a	n/a	14 - 17 Sgts.

n/p = Data was not provided by agency

n/a = Not applicable

* District stations were defined differently by each police agency. For the purposes of this survey, we defined district stations as the number of police buildings in a city from which patrol personnel were deployed.

** Although San Jose has only one police station, the city is geographically divided into three divisions, each of which is overseen by a Captain.

Supervisor to Staff Ratios

Only six of the 10 surveyed California police departments submitted documents listing detailed information on authorized staffing by position and program. Using this data, we developed Sergeant to Police Officer, Lieutenant to Sergeant and Captain to Lieutenant ratios based on authorized sworn positions in San Francisco and the surveyed jurisdictions, both department-wide and by program (Administration, Investigations and Field Operations).

Table A1-3 exhibits a comparison of supervisor to staff ratios in the Field Operations units of SFPD and each police department surveyed. Sworn staff assigned to Field Operations units comprise the majority of sworn personnel who are responsible for responding to calls for service and typically work out of the district police stations.

Table A1-3
Comparative Supervisor to Staff Ratios
for Field Operations Personnel

<u>Police Department</u>	<u>Captain to Lieutenant Ratio</u>	<u>Lieutenant to Sergeant Ratio</u>	<u>Sergeant to Police Officer Ratio</u>
Los Angeles	3.0	10.6*	7.3
San Diego	3.9	5.6	8.0
San Jose	5.4	5.0	5.6
Sacramento	4.5	2.5	9.1
Santa Ana	8.0	4.1	7.5
Riverside	3.0	4.7	7.2
Average of Surveyed Departments	4.6	5.4	7.5
San Francisco	4.3	3.1	6.7

* For Los Angeles, this ratio also includes detectives deployed at district police stations.

As illustrated above, although San Francisco has higher supervisor to staff ratios than the average of the six other jurisdictions, the SFPD still falls within the range of Sergeant to Police Officer, Lieutenant to Sergeant and Captain to Lieutenant ratios of the six other police departments.

In addition, as noted above, the SFPD indicates that the optimal Sergeant to Police Officer ratio is one to seven or eight Police Officers. As reflected in Table A1-3, the Sergeant to Police Officer ratio in San Francisco is one to 6.7 Officers, which is only slightly higher than the optimal number.

As such, it appears that the San Francisco Police Department has sufficient supervisory positions to manage line staff, and there does not appear to be an excessive number of higher level management/supervisory positions relative to line staff, when comparing San Francisco to other jurisdictions.

Below, we provide additional tables containing supervisor to staff ratios for the SFPD and other jurisdictions by program.

Because sworn staff are often responsible for supervising civilian administrative staff, we requested that the SFPD provide information on reporting relationships between sworn supervisors and both sworn and non-sworn line staff. We then developed Sergeant to staff, Lieutenant to staff and Captain to staff ratios which included both sworn and non-sworn personnel. These are shown in Table A1-4 below.

Table A1-4

San Francisco Police Department
Supervisor to staff Ratios by Bureau/Program

<u>Program</u>	<u>Captain to Lt. Ratio*</u>	<u>Captain to Staff Ratio**</u>	<u>Lt. to Sgt/Insp Ratio*</u>	<u>Lt. to to Staff Ratio**</u>	<u>Sergeant to Police Officer Ratio*</u>	<u>Sergeant to Staff Ratio**</u>
Patrol Division	4.5	8.5	2.8	3.9	6.6	5.7
Special Operations Division	3.5	3.0	4.7	2.7	7.2	9.0
Investigations Bureau	3.2	5.7	18.6	14.8	n/m	n/m
Administration Bureau	1.6	3.7	3.7	4.5	3.6	3.4
Total	3.1	6.4	6.1	6.1	7.1	4.5

n/m= Not meaningful, as investigative staff assigned to the Investigations Bureau do not typically have supervisory duties.

* Based on total authorized sworn staffing only for FY 1997-98.

** Based on actual sworn and non-sworn staffing (as of September 30, 1997) and on data on reporting relationships provided by the Department.

Table A1-4 illustrates that the Sergeant to staff ratio based on actual staffing and including non-sworn staff is rather high at one to 3.4 staff in the Administration Bureau. Recommendations regarding staffing in the Administration Bureau, including the potential for civilianizing many of the sworn positions, are included in Section 3 of this report.

In addition, Table A1-4 shows that the Lieutenant to staff ratio in the Investigations Bureau is rather low (one to 14.8 staff). However, according to the Police Department, this is because Inspectors, who comprise the majority of line staff reporting to Lieutenants in the Investigations Bureau, are more experienced and independent and therefore need less supervision than other line staff, such as patrol officers in the Field Operations Bureau.

Table A1-5 shows the supervisor to staff ratios for each of the 10 district stations in San Francisco, based on actual staffing and including non-sworn personnel. As discussed previously, although the district stations in San Francisco have relatively high supervisor to staff ratios, they still fall within the range of supervisor to staff ratios in other comparable jurisdictions.

Table A1-5

San Francisco Police Department
Supervisor to Staff Ratios by District Station

<u>District Station</u>	<u>Captain to Staff Ratio</u>	<u>Lieutenant to Staff Ratio</u>	<u>Sergeant to Staff Ratio</u>
Central	10.0	3.5	7.1
Southern	13.0	4.0	6.2
Potrero	9.0	3.8	6.3
Mission	8.0	4.0	7.7
Northern	10.0	3.8	7.1
Park	5.0	4.3	4.2
Richmond	8.0	5.3	3.7
Ingleside	11.0	3.8	5.7
Taraval	12.0	3.5	5.6
Tenderloin	5.0	3.8	4.6
Total	9.1	3.9	5.8

Supervisor to Staff Ratios in the Surveyed Police Departments

Because the California police departments surveyed did not indicate which, if any, non-sworn personnel were supervised by sworn staff, we were unable to include civilian staff in the surveyed department supervisor to staff ratios. Based on the number of authorized sworn positions, we calculated Sergeant to Police Officer, Lieutenant to Sergeant and Captain to Lieutenant ratios, department-wide and by program, for the San Francisco Police Department and six other California police departments, which are shown in the following tables.

Table A1-6

**Comparative Department-wide
Supervisor to Staff Ratios**

<u>Police Department</u>	<u>Captain to Lieutenant Ratio</u>	<u>Lieutenant to Sergeant/Inspector Ratio*</u>	<u>Sergeant to Police Officer Ratio</u>
Los Angeles	3.5	10.8	7.0
San Diego	4.2	5.1	6.6
San Jose	4.3	5.2	4.3
Sacramento	2.9	2.6	7.4
Santa Ana	5.0	4.0	6.6
Riverside	1.7	9.1	6.2
Average of Surveyed Departments	3.6	6.1	6.4
San Francisco	3.1	6.1	7.1

* Los Angeles, Riverside and San Francisco have a special Detective or Inspector rank to perform investigative functions, while this function is performed by Sergeants in the remaining jurisdictions.

Table A1-7 shows a comparison of supervisor to staff ratios in the Investigations divisions of the SFPD and in each police department surveyed.

Table A1-7

**Comparative Supervisor to Staff Ratios
for Investigative Personnel**

<u>Police Department</u>	<u>Captain to Lieutenant Ratio</u>	<u>Lieutenant to Sergeant/Inspector Ratio</u>	<u>Sergeant to Police Officer Ratio</u>
Los Angeles*	4.3	15.3	17.9
San Diego	5.5	4.6	5.6
San Jose	6.0	5.4	2.5
Sacramento	2.5	3.2	5.6
Santa Ana	4.0	5.0	4.1
Riverside	2.0	30.0	2.2
Average of Surveyed Departments	4.1	10.6	6.3
San Francisco	3.2	18.6	n/m

* Los Angeles also has investigative staff assigned to its district police stations, which are reflected in the supervisor to staff ratios shown in the Introduction.

As illustrated in Tables A1-6 and A1-7, San Francisco's supervisor to staff ratios fall within the range of supervisor to staff ratios in other California police departments. As such, as noted in the Introduction, it appears that the San Francisco Police Department has sufficient supervisory positions to manage line staff, and there does not appear to be an excessive number of higher level management/supervisory positions relative to line staff, when comparing San Francisco to other jurisdictions.

Although we did not include New York City in our survey, we were able to obtain information on the organizational structure and staffing of the New York City Police Department (NYPD). Based on this research, we learned that the New York City Police Department is divided into seven patrol boroughs (Manhattan North, Manhattan South, Bronx, Brooklyn North, Brooklyn South, Queens North and Queens South), each of which is further divided into precincts. There are 76 precincts in total, each of which is headed by a Captain or Deputy Inspector and one other executive officer, usually a Captain. The NYPD has approximately 38,000 sworn members, which also includes sworn members of the Housing Police, School Police, Transit Police, Social Services Police and Fire Department Police Units.



Appendix 2. Criminal Justice Glossary

This Glossary contains a listing of words and terms that will assist the reader in understanding the criminal justice terms contained in Section I of this audit report.

Arrest	Taking a person into custody, in a case and in the manner authorized by law. An arrest may be made by a peace officer or by a private citizen.
Booked	Arrested.
California Crime Index (CCI)	A group of offenses chosen to serve as an index for gauging fluctuations in the overall volume and rate of crime. These offenses, chosen because of the seriousness and likelihood of being reported to the police by the public, are willful homicide, forcible rape, robbery, aggravated assault, burglary and motor vehicle theft.
California Dept. of Corrections	The state agency that has jurisdiction over the California Rehabilitation Center and the California prison system.
Cases Assigned	Cases assigned to an Inspector for follow-up investigation, including rebookings.
Cases Closed	A case is considered closed after it has been "cleared", the investigation is complete, and the file has been reviewed by the section Lieutenant.
Cases Filed Administratively	Cases that are logged, indexed and stored without action, i.e. not assigned to an Inspector for a follow-up investigation.
Cases Received	Workload measure for the SFPD which reflects the total activity of investigative units. Includes rebookings, follow-up investigations and unassigned cases.
Charge	A formal allegation that a specific person has committed a specific offense.
Citation	A written order, issued by the police for a violation, to appear before a magistrate or probation officer at a later date.

Clearance	<p>According to the DOJ's definition, an offense is cleared or "solved" for crime reporting purposes when at least one person is arrested, charged with the commission of the offense, and turned over to the court for prosecution or cited to juvenile authorities. In certain situations, a clearance may be counted by "exceptional means" when the police definitely know the identity of the offender, have enough information to support the arrest, and know the location of the offender but for some reason cannot take the offender into custody.</p> <p><i>The SFPD's definition of clearance differs from that of the Department of Justice. According to the SFPD, a case is considered cleared when it meets the criteria for any one of the 16 SFPD clearance codes and an incident report is made categorizing it as such.</i></p>
Clearance Rate	<p>Method used to determine the percentage of crimes cleared. The rate is based on the number of crimes reported.</p>
Clear and Convincing	<p>That measure or degree of proof which will produce in one's mind a firm belief or conviction as to the allegations sought to be established; it is intermediate, being more than mere preponderance, but not the extent of such certainty as is required beyond reasonable doubt in criminal cases.</p>
Complaint	<p>A verified written accusation, filed by a prosecuting attorney with a local criminal court, which charges one or more persons with the commission of one or more offenses.</p>
Conviction	<p>A judgment, based either on the verdict of a jury or a judicial officer or on the guilty plea of the defendant, that the defendant is guilty.</p>
Discharge	<p>To release a defendant from confinement. Also, an acquittal or exoneration; the freeing of one held under legal process.</p>

**Disposition -
Court**

An action taken as the result of an appearance in court by a defendant. Examples are: adults - dismissed, acquitted, or convicted and sentenced; juveniles - dismissed, transferred, remanded to adult court, placed on probation, or sentenced to the California Department of the Youth Authority.

**Disposition - Law
Enforcement**

An action taken as the result of an arrest. Examples of police dispositions are: adults - released by law enforcement, referred to another jurisdiction, or a misdemeanor or felony complaint sought; juveniles - handled within the department, referred to another agency, or referred to the probation department or juvenile court.

**Disposition -
Prosecutor**

An action taken as the result of complaints which were requested by the arresting agency. Dispositions include granting a misdemeanor or felony complaint, or denying a complaint for such reasons as lack of corpus, lack of sufficient evidence, interest of justice, complainant refuses to testify, witness unavailable, inadmissible search, deferred parole revocation, prefiling deferral and other.

Diversion

A disposition of a criminal defendant either before adjudication or following adjudication but prior to sentencing, in which the court directs the defendant to participate in a work, educational or rehabilitation program.

FBI Crime Index

The FBI chose seven crimes to serve as an index for gauging fluctuations in the overall volume and rate of crime. These offenses include homicide, forcible, rape, robbery, aggravated assault, burglary, larceny-theft and motor vehicle theft. By congressional mandate, arson was added as the eighth index offense in 1979.

Felony

A crime which is punishable with death or by imprisonment in a state prison.

Filing

A document filed with the municipal court clerk or county clerk by a prosecuting attorney alleging that a person committed or attempted to commit a crime.

Inactivated Case	A case which has been assigned but for which no suspect has been identified and in which no further investigation is anticipated. Inactive cases remain unsolved unless new information becomes available. Cases remain inactive until the statute of limitations for the particular offense(s) involved expires.
Indictment	Type of filing used in superior court to indicate if the case reaches superior court as the result of an indictment by a grand jury.
Infraction	An offense punishable by fine or other penalty, but not by incarceration.
Misdemeanor	A crime punishable by imprisonment in a county jail for up to one year.
Municipal Court	The court of original or trial jurisdiction for the prosecution of persons accused of misdemeanor or certain felony offenses. Also, lower courts may sentence certain felony offenders as well as conduct preliminary hearings to determine probable cause in cases where felony offenders are subject to jurisdiction of superior courts.
Penal Code	The California Penal Code contains statutes that define criminal offenses and specify corresponding punishments along with criminal justice system mandates and procedures.
Penal Code Section 849(b)	Penal Code section which authorizes the police to release an arrested person from custody based on insufficient grounds for filing a criminal complaint against that person, or because the person was under the influence of alcohol or drugs and no further action is desirable.
Petition to Revoke Probation	Action taken by a prosecutor to revoke the probation status of an offender to return the subject to county jail or state prison.

Probable Cause	The standard used by the Police Department to make arrests and conduct investigations. Defined as having more evidence for than against. Also, an apparent state of facts found to exist upon reasonable inquiry, which would induce a reasonably intelligent and prudent person to believe, in a criminal case, that the accused person had committed the crime charged, while reserving some possibility for doubt.
Prosecution	The institution and carrying on of legal proceedings against a person.
Reasonable Cause	See probable cause.
Reasonable Doubt	Reasonable doubt which will justify acquittal is doubt based on reason and arising from evidence or lack of evidence, and is doubt which a reasonable person might entertain, and is not fanciful doubt, is not imagined doubt, and is not doubt that a juror might conjure up to avoid performing an unpleasant task or duty. Reasonable doubt is such a doubt as would cause prudent persons to hesitate before acting in matters of importance to themselves.
Rebooking	As defined by the San Francisco Police Department, the process by which an Inspector presents the case against a person who has already been arrested for review by a District Attorney. A rebooking involves corroborating the arresting Police Officer's incident report through interviews with the suspect, victim, witnesses and arresting Officers. The District Attorney then decides what charges, if any, to file for prosecution against the suspect. A rebooking is required when a person has been arrested without a warrant on a felony charge by the police.
Sufficient Cause	See probable cause.
Subpoena	The usual process for the summoning of witnesses.
Superior Court	The court of original or trial jurisdiction for felony cases and all juvenile hearings. Also, the first court of appeal for municipal or justice court cases.

Suspect Case

Cases in which there is no initial arrest and a rebooking is therefore unnecessary. Suspect cases may be assigned to an Inspector for a follow-up investigation, which involves investigating the crime, identifying and locating potential suspects and obtaining any necessary arrest and/or search warrants from the District Attorney.

Warrant

An instrument, issued by a magistrate, authorizing an officer to make an arrest, seize property, make a search, or carry a judgment into execution.

Appendix 3. Summary of Other Areas Reviewed: Consent Decree, Crime Lab, Special Operations

Consent Decree

In March of 1979, a settlement was reached between the City and County of San Francisco and several parties interested in changing the recruitment, selection, and promotional practices of the SFPD. This settlement, called the Consent Decree, established the long term goal of increasing substantially the minority and female composition of the Police Department so that it more nearly reflects the racial, ethnic and sexual composition of the labor force of the City and County of San Francisco. In order to meet specific recruitment, hiring, and promotion goals, the City was ordered to establish the "Consent Decree Unit" within the Police Department with responsibility for recruitment and examinations for sworn classifications in the Police Department.

Statistics provided by the Consent Decree Unit show that, as of October 1997, of the total of 1,999 sworn personnel in the SFPD, 748 police officers or 37 percent are minority officers compared to 226 officers or 14 percent in 1979, the year the Consent Decree was established. This represents an increase of in SFPD minority sworn personnel of 231 percent. Additionally, as of October 1997, 301 police officers or 15 percent are female officers compared to 67 officers or 4 percent in 1979, representing an increase of 349 percent. According to a 1993 survey by the U.S. Bureau of Justice Statistics, of 31 state and local law enforcement agencies with 1,000 or more sworn officers, the SFPD is among the top third in percentage of minority sworn personnel and ranked 18th in percentage of female sworn personnel.

As of the writing of this report, the City is negotiating with the other parties to the Consent Decree and plans to request that the Consent Decree be vacated after the administration of a final required promotional examination to be conducted by the SFPD. The promotional exam, for the Assistant Inspector classification, was originally scheduled for the first week of September 1997. However, prior to its administration, it was discovered that the exam had been leaked to candidates and the exam was cancelled. The incident is currently under investigation and a new Assistant Inspector's exam is anticipated to be administered in two parts in April and May 1998.

According to the Consent Decree Unit, the estimated annual savings resulting from vacating the Consent Decree would be at least \$275,000 annually, plus additional savings in professional services of an undetermined amount.

San Francisco Police Department Crime Laboratory

As part of the management and performance audit of the SFPD, the audit team reviewed and analyzed the status and operation of the San Francisco Police Department Crime Laboratory (SFPD/CL).

As part of this analysis, we examined: 1) the current organization and staffing of the crime lab; 2) the remaining actions required to complete relocation of the SFPD/CL to Building 606 in Hunter's Point; and 3) the remaining steps required to qualify for and obtain accreditation from the American Society of Crime Laboratory Directors (ASCLD).

In conducting this review and analysis the Budget Analyst:

- Interviewed the Director of the Forensics Division and the acting Crime Lab Manager;
- Reviewed prior reports on the staffing requirements for the Lab and relocation of the Crime Lab to Building 606 at Hunter's Point;
- Reviewed a report prepared by Susan Johns and Douglas Lucas of the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) outlining the impediments to accreditation of the Crime Lab by the ASCLD; and
- In addition, the FY 1997-98 budget request, prepared by the Crime Lab and submitted as part of the Police Department's budget request, was also reviewed.

Based on our review and analysis, there are no findings with regard to the management and operation of the Crime Laboratory. However, due to the impending move from the Hall of Justice to the new facility in Hunter's Point, and the recent efforts to obtain accreditation, this report includes an update on both issues.

Overview

The San Francisco Police Department Crime Laboratory is one of the six units which comprise the Forensic Services Division of the Department. The five other units include Crime Scene Investigations, the Photography Lab, the Identification Bureau, the Technical Services Unit and the Polygraph Unit. Organizationally, the Forensic Services Division, and by extension the Crime Laboratory, are part of the Investigations Bureau. As such, the management of the Forensic Services Division and Crime Laboratory reports directly to the Deputy Chief of Investigations.

The overall function of the Crime Laboratory is to provide evidence testing services for the Police Department and other City and County agencies and departments. The Crime Lab is divided into three units which include: DNA testing; Alcohol testing; and Narcotics testing. The types of evidence and materials analyzed include blood and other body fluids, firearms, narcotics and other controlled substances, trace evidence collected from crime scenes, documents and breath alcohol results. The staff of the Crime Lab totals 13 full-time equivalent (FTE) personnel and consists of:

- One Director of Forensics, who also oversees the other five units within the Forensics Division;
- Two Senior Criminalists (one of whom serves as the acting Crime Lab Manager);
- Eight Criminalists;
- One Senior Clerk Typist; and
- Two Light Duty Police Officers who perform ballistics testing.

On an annual basis, the SFPD/CL conducts approximately 11,000 tests on evidence which is booked into the lab for analysis.

Relocation to Building 606 and Accreditation of the Crime Laboratory

During the FY 1996-97 budget process, the Police Department proposed leasing and renovating Building 606 in order to relocate four units to this new facility. The four units identified included the Crime Laboratory, Property Control, Air Marine Helicopter Unit, and Special Operations. The Crime Laboratory and Property Control were included in the relocation plans to address deficiencies cited in a 1995 analysis of the Crime Laboratory's status with regard to accreditation.

In its May 1995 review of the Crime Laboratory facility located in the Hall of Justice, the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) noted deficiencies in the physical plant, design, security and health and safety. Such deficiencies included:

- Unsecured area for overnight and/or long term storage of evidence;
- Physical design/layout that restricts the efficient flow of evidence from the time of its acceptance until its proper disposal;
- Inadequate and inappropriate space available for records, reference works and other necessary documents;
- Fire detection systems which are not functional at all hours;
- Inappropriate space provided for safe storage of volatile, flammable, and explosive materials;
- Improper ventilation in the firing room of the current lab;
- Inadequate space available for Examiners for writing reports and other official communications;
- Improper and inadequate lighting for personnel to carry out assigned tasks;
- Inadequate work space, preventing/limiting employees from accomplishing assigned tasks; and
- Insufficient space for each instrument to facilitate its operation.

According to the Director of Forensics, Building 606 already has in place all of the features of a modern crime laboratory, including sufficient space to store and secure items taken into evidence and departmental supplies. The Director of Forensics advises that, by relocating to Building 606 at Hunter's Point, the Department could address the deficiencies cited in the May 1995 report including the following:

- Plumbing and electrical infrastructure that is adequate for a certified crime laboratory;
- A ventilation system with vents that are ready to be connected to the chemical and biological safety hood, which are required when handling hazardous chemicals or evidence;
- An existing vault for securing and storing evidence;

- An area that is suitable for the test firing of weapons; and
- An area adequate in size for the examination of vehicles.

As of the writing of this report, the Department is in discussion with the Mayor's Budget Office concerning funding needs in the approximate amount of \$1.8 million in order to fund (a) renovations to Building 606 which are necessary before the Crime Lab can relocate to the new facility; and (b) additional staffing for the Crime Lab. Such funding is likely to be included in whole or in part in the SFPD's Fiscal Year 1998-99 budget.

Special Operations Division

As part of Phase 2 of this performance audit, we also reviewed and analyzed the Special Operations Division. The Special Operations Division is responsible for providing specialized police services to the Police Department and to the general public. The Special Operations Division is part of the Field Operations Bureau and is overseen by the Commander of Special Operations, who directly reports to the Deputy Chief of Field Operations. The Special Operations Division is divided into four units, including the Crime Prevention Company, the Traffic Company the MUNI Transit Company and the Housing Task Force.

Overall, we found that, based on a survey of other large, urban police departments in California, that the SFPD's Special Operations Division appears to operate and to be organized and staffed in a similar fashion as special operations units in other large California police departments. Findings and recommendations specifically regarding the deployment of Special Operations units for special events were included in Phase I of this management audit, and in Section 4 of this report.

The scope of our review included an examination of the operations, policies and procedures, organizational structure, and staffing of the Special Operations Division, in order to determine whether the Special Operations Division is fulfilling its objectives. To accomplish our objective, we:

- Conducted interviews with the Commander of the Special Operations Division and the commanding officers of the Crime Prevention Company, MUNI Transit Company, Traffic Company and Housing Task Force;
- Analyzed workload and performance records for each of the Special Operations units for the three-year period from FY 1994-95 through FY 1996-97;

- Obtained and reviewed personnel distribution reports and organizational data for each unit;
- Researched departmental policies and procedures regarding critical incidents, special event coverage and traffic enforcement;
- Reviewed survey responses from six other large California police departments regarding the staffing, organization and workload of special operations units within their jurisdictions; and
- Reviewed and compared statistics published by the U.S. Department of Justice regarding policies and practices for special operations units in San Francisco and other law enforcement agencies nationwide.

As noted above, the Special Operations Division is divided into the Crime Prevention Company, the Traffic Company, the MUNI Transit Company, which are commanded by a Captain, and the Housing Task Force, which is commanded by a Lieutenant. The commanding officers of each of these units report directly to the Commander of the Special Operations Division.

The Crime Prevention Company consists of the Canine Unit, the Bomb Squad, the Honda Unit, the Mounted Unit, the Air-Marine Unit and the Tactical (TAC) Squad and provides the following services:

- Directed uniform patrol and crime control;
- Specialized plainclothes patrol;
- Mounted horse patrol;
- Canine patrol;
- Explosive ordnance removal;
- Park and beach patrol (Honda Unit);
- Marine and air support;
- Special weapons and tactics (SWAT);
- Hostage negotiation tactics;
- Crowd control;
- Dignitary protection;
- Fugitive recovery; and
- Counter sniper inner perimeter containment.

The MUNI Transit Company is responsible for ensuring the safety of the riding public and employees of the Municipal Railway (MUNI). The MUNI Transit Company was reviewed as part of our performance audit of the Municipal Railway conducted in 1996 and was not included in the scope of this performance audit.

The Traffic Company is the traffic enforcement and investigation unit of the Police Department. The Traffic Company provides the following services:

- Investigation of fatal and injury traffic accidents;
- Commercial vehicle enforcement;
- Enforcement of traffic laws;
- School safety patrol/traffic safety education;
- Dignitary protection and funeral escorts;
- Traffic and crowd management for special events; and
- The San Francisco Traffic Offender Program (STOP), which enforces laws against driving with suspended or revoked driver's licenses.

The Housing Task Force provides supplemental police services on Housing Authority properties. These services include foot and motorized patrol; undercover and checkpoint operations; and recreational and referral programs for Housing Authority youth and tenants. The Housing Task Force receives an annual payment of approximately \$1.6 million from the Housing Authority in order to provide these services.

The number of assigned sworn and civilian personnel, by unit, is as follows (as of September 30, 1997):

<u>Division</u>	<u>Sworn</u>	<u>Civilian</u>	<u>Total</u>
Crime Prevention Company	105	8	113
MUNI Transit Company	48	0	48
Traffic Company	75	0	75
Housing Task Force	<u>20</u>	<u>0</u>	<u>20</u>
Total	248	8	256

Some of the recent accomplishments of the units of the Special Operations Division include:

- The San Francisco Traffic Offender Program (STOP) received the Director's Award for Excellence from the National Highway Traffic Safety Administration and was responsible for making 7,300 misdemeanor arrests of unlicensed drivers during FY 1996-97. The Police Department reports that STOP has contributed to the lowest level of fatal traffic accidents in 20 years.
- The Police Department established the Air-Marine Unit during FY 1996-97 as a result of the gift of two helicopters from the U.S. Department of Defense.
- The Crime Prevention Company relocated to Building 606 in Hunter's Point, thereby providing a full-time police presence in the Hunter's Point for the first time.

- The Housing Task Force implemented the Resource Center Program and Job Readiness workshops in major housing developments during FY 1996-97.

Based on our field work and analysis, there were no findings or recommendations regarding the Special Operations Division. In addition, when comparing San Francisco to other jurisdictions, the SFPD's Special Operations Division appears to operate and to be organized and staffed in a similar fashion as special operations units in other large California police departments. Findings and recommendations specifically regarding the deployment of Special Operations units for special events were included in Phase I of this management audit, and in Section 4 of this report.

Appendix 4

Attachments Provided by the Police Department – Special Event Overtime

Comparison of Special Events and Associated Costs, 7/01/93-6/30/97*

	FY 93-94		FY 94-95		FY 95-96		FY 96-97	
Athletic	18	3.7%	17	3.0%	15	2.1%	19	2.5%
Reg	15,796		0		0		236	
EWVW	68,808	4.8%	128,389	3.6%	106,919	4.2%	137,719	3.6%
Baseball	83	17.0%	49	8.5%	88	12.2%	82	10.8%
Reg	742,507		450,144		440,090		240,806	
EWVW	13,736	1.0%	2,851	0.1%	0	0.0%	2,454	0.1%
Celeb	34	7.0%	66	11.5%	83	11.8%	79	10.4%
Reg	142,059		197,083		234,707		183,861	
EWVW	226,721	15.8%	513,230	14.4%	515,643	20.2%	418,885	10.9%
Demos	168	34.4%	170	29.6%	243	34.4%	201	26.4%
Reg	390,651		696,739		573,257		484,874	
EWVW	136,179	9.5%	799,303	22.4%	338,340	13.2%	217,399	5.7%
Dign Prot	27	5.5%	46	8.0%	35	5.0%	47	6.2%
Reg	373,066		169,478		194,313		190,822	
EWVW	251,807	17.5%	224,973	6.3%	245,023	9.6%	411,230	10.7%
Football	10	2.0%	12	2.1%	11	1.6%	12	1.6%
Reg	105,270		104,121		138,147		82,305	
EWVW	30,675	2.1%	107,415	3.0%	3,485	0.1%	21,561	0.6%
Parades	13	2.7%	23	4.0%	24	3.4%	26	3.4%
Reg	97,055		201,266		156,189		102,857	
EWVW	242,481	16.9%	429,642	12.0%	352,599	13.8%	295,170	7.7%
Sp Assign	109	22.3%	166	28.9%	181	25.6%	264	34.6%
Reg	960,015		2,266,876		2,251,978		1,575,225	
EWVW	161,743	11.3%	1,035,072	29.0%	521,906	20.4%	1,665,971	43.5%
Str Fairs	26	5.3%	25	4.4%	28	4.0%	32	4.2%
Reg	103,481		104,044		97,620		143,457	
EWVW	304,877	21.2%	333,851	9.3%	472,366	18.5%	655,130	17.1%
Total	488		574		706		762	
Reg \$	\$ 2,929,900		\$ 4,189,751		\$ 4,086,301		\$ 3,004,443	
Eww \$	\$ 1,437,027		\$ 3,574,726		\$ 2,556,281		\$ 3,825,519	

* The data only references those events for which FOB identified a cost to the Department; thus the numbers of events will differ somewhat from the number of events that were entered into the Event Log. Percentages show two relationships: one is the number of each category as a percentage of the total each year. The second is the percentage of EWW expended per category in relation to the total EWW expended that year for all events.

For example, in FY 93-94, 26 Street Fairs accounted for 5.3% of all events, while the Department expended 21.2% of all EWW it tracked to police those 26 Street Fairs.

RECOMMENDATION ADDED TO PHASE II OF THE BUDGET ANALYST'S PERFORMANCE AUDIT

The Board of Supervisors should consider amending Section 2.70-6(f) of the Administrative Code ("Temporary Use of Streets for Street Fairs") to provide for a more realistic reimbursement by promoters to the City for the policing of these for-profit events.

In recent years, street fairs have exacted a heavy toll on the Department's budget, with little to show for reimbursement under the current "rate" of 40% of our costs, or \$2,500, whichever is LESS. This section, as currently worded, was written with the aid of fair promoters who have a vested interest in maintaining their profit potential, with little or no input from the Police Department. Though other City Departments are also compensated, the Police Department is the only department whose role is tied to the salary-intensive deployment of personnel rather than being based on application fees (Fire Dept.), or a per-item basis (Muni - bus lines re-routed), or some combination (Health Dept.).

Since FY 93-94, the number of street fairs and the Police Department costs associated with them has risen steadily, as has the amount of on-duty and overtime costs, as shown in the table below.

FY	No.	On-duty \$	Overtime \$	Actual Cost
93-94	26	103,481	304,877	\$ 408,358
94-95	25	104,044	333,851	\$ 437,895
95-96	28	97,620	472,366	\$ 569,986
96-97	32	143,457	655,130	\$ 798,587

The Special Event Management and Planning Unit (SEMPU) of the Field Operations Bureau (FOB), among other tasks, tracks all costs associated with nine categories of special events. Excluding Street Fairs, the other eight categories are shown below, along with a listing of reimbursement status.

Category of Event	Reimbursement Status
Athletic Events	This category consists primarily of foot races and bicycling events, and is covered by Section 2.75 of the Admin Code. Section 2.75-4 mandates full cost recovery for all Police Department costs.
Baseball	SF Giants' games at 3Com Park, covered by the team's lease with Rec/Park. Officers assigned inside the park are compensated by the team through Sec. 10B of the Admin Code.

Celebrations	Events in this category include for-profit events held in conjunction with parades. There is no legislation in place for reimbursement of Police Dept. costs.
Demonstrations	Primarily expressions of 1 st Amendment rights (marches, protests). No basis for reimbursement.
Dignitary Protection	Includes official visits and fund-raising events.
Football	49ers' games; deployment and reimbursement parallels the Giants' system.
Parades	Virtually every ethnic and special interest group in the City is represented in this category, and they are treated as if they were 1 st Amendment expressions. No basis for reimbursement at this time, though organizers are certainly identifiable. Tremendous drains on City resources.
Special Assignments	Basically, a catch-all category for events that do not fit elsewhere. UN50 and the Conference of Mayors, for example, are in this category. No basis for reimbursement.

Though street fairs contribute to the cultural fabric of the City, conversations with residents of areas in which these events are held would reveal severe problems that impact neighborhoods for some time after the fair has ended. This is not to say that other special event categories do not impact the City financially; dignitary protection, for example, requires a high uniformed presence, especially for a Presidential visit. There is little chance for reimbursement, even when visits are primarily for fund-raising purposes. That should not release promoters from paying their "fair" share of the costs generated by these events.

Written Responses of the San Francisco Police Department
and the Employees' Retirement System



POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103

FRED H. LAU
CHIEF OF POLICE

April 29, 1998

The Honorable Barbara Kaufman
President, Board of Supervisors
Board of Supervisors
401 Van Ness Avenue
San Francisco, CA 94102

Dear Supervisor Kaufman:

On behalf of the entire San Francisco Police Department, I want to thank you for the opportunity to respond to the findings and recommendations of the *Performance Audit of the San Francisco Police Department Phase 2*.

As in the past, I would first like to recognize Mr. Ken Bruce and his team from the Budget Analyst's staff who conducted this audit. My senior staff appreciates the cooperative spirit and the cordial working relationship that we were able to have with the audit team.

Over the past 6 weeks myself and other senior members of the Department have reviewed drafts of the audit. We have met with the audit staff on five occasions to discuss the finding of the audit. These meeting gave us the opportunity to discuss our concerns with the draft in a very productive manner. These meeting have not only lead to a significant number of revisions within the audit, but the Department also gained a better understanding of the audit findings and the recommendations.

The Department agrees with the majority of the audit findings and recommendations, and in those incidences where we disagree with a finding or recommendation we have presented our position in the attached formal response. This response is presented in a section by section format.

The Honorable Barbara Kaufman
President, Board of Supervisors

April 29, 1998
Page 2

In closing, I want to assure you that the Department is committed to addressing all of the finding of this audit in a timely and cost effective manner. I and my staff stand ready to answer any questions that you might have.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'Fred H. Lau', written over the printed name and title.

FRED H. LAU
Chief of Police

San Francisco Police Department's Response to: *Performance Audit of the San Francisco Police Department - Phase 2*

Section 1.1 Interaction between the Investigative and Patrol Functions

Notes

The Department recognizes the value of having close interaction between these two functions. Patrol is responsible for the vast majority of arrests while the members of the Investigations Bureau are responsible for getting these cases prosecuted. It is important that these entities are working together and exchanging information in order for the Department to be effective in the investigation of crime and providing facts needed for the successful prosecution.

(1)

Recommendations:

- 1.1.1 *Through a meet and confer process with the Police Officers Association, establish two 12.5-hour shifts per day at the district stations for Inspectors, or employ one of the other three options for designating Inspectors to perform a triage type function in order to assist Patrol officers at crime scenes.*

The Department disagrees with this recommendation to establish 12.5 hour shifts. This schedule could lead to fatigued officers who find their ability to exercise proper judgment and respond appropriately in dangerous situations compromised. It should be noted that the Los Angeles Police Department experimented with this schedule but has recently returned to their old work schedule.

- 1.1.2 *Establish a program in which Inspectors would be available to provide assistance to patrol personnel on a 24-hour basis, and, when necessary, to respond to crime scenes, in accordance with Recommendation 1.1.1 and the other guidelines included in this section.*

The Department has always had Inspectors from each unit available during normal business hours to answer questions and to respond when necessary. During the evening hours limited staffing in the Night Investigation Unit has permitted Inspectors to respond to only the most serious cases. With the completion of the current Inspectors test, the Bureau will implement a pilot program, that will increase the staffing of the Night Investigation Unit as well as assigning Inspectors to selected district stations during night time hours. At the end of six months, the Department will evaluate the effectiveness of each approach.

- 1.1.3 *Restore a program in which all patrol Sergeants from the district station are rotated through each section of the Inspectors Bureau over a two-week period every two years.*

* See attached Budget Analyst Comments

The Department concurs with this recommendation, thought the POA may raise concerns since Sergeants rotated into the Investigations Bureau may have an advantage over patrol officers in future Inspector examinations.

Section 1.2 Workload and Organization

In this section the Budget Analyst suggests that the workload is not properly balanced between units within the Investigations Bureau and the Police Department does not have "workload standards" for Inspectors. Their workload balance argument is supported by the disparity in the averages monthly caseload per investigator among different units. What the audit does not sufficiently address is that the amount of time needed to investigate different types of cases also vary widely. While this factor is difficult to quantify, it is a major consideration for Investigation Bureau managers in their staffing decision process.

(2)

Recommendations:

- 1.2.1 *Implement a cross-training program in the General Investigations Division in which Inspectors spend two weeks working in each of the 10 other units (except Homicide) over a two-year period, consistent with the guidelines included in this report.*

While the Inspectors Bureau is in the process of creating a career development program that would allow Inspectors to rotate through the different units, the proposal by the Budget Analyst is not practical. The Department feels that it would reduce the efficiency of the units and would take significant resources to administer.

(3)

- 1.2.2 *Form a Rebookings Unit to handle all rebooking cases for the General Investigation Division and rebookings for narcotics arrests at the district station, in accordance with the guidelines included in this report.*

The Department is concerned that in developing their recommendations the Budget Analyst used the Narcotics rebooking unit as a model for the entire bureau. Narcotics rebooking are unique in that there are usually no "victims" and the only witnesses are the arresting officers. As a result, the rebooking of narcotic suspects mainly involves collecting the suspects criminal history and collecting lab reports on the evidence seized. In turn, the rebooking of other types of crimes require the equivalent of a full scale investigation. Victims, suspects, and witnesses usually have to be interviewed and evidence must be examined.

(4)

- 1.2.3 *Follow implementation of Recommendation 1.2.2 above, adjust staffing levels for units in the General Investigation Division to reflect the relative caseload of suspect cases for each unit and the relative seriousness and solvability of cases handled by each unit.*

* See attached Budget Analyst Comments

The Department is constantly reviewing staffing levels and workloads on a section by section bases in order to determine the optimum distribution. The Department anticipates it will make significant adjustments once the new inspectors list is posted.

(5)

Section 1.3 Police Report Writing

The Department strives to continually improve the skills of it's members and as such we do not oppose any of the recommendations contained in this section. However, we do feel that this section paints an overly negative picture of the report writing skills of all San Francisco Police Officers. Specifically, we are concerned that the findings are based in part on a report that is almost eight years old and does not take into account the total overhaul of the police Academy's report writing curriculum. In addition, the sample reports reviewed were only drawn from cases where the DA declined to prosecute. So while the sample could accurately represent the quality of reports of cases rejected by the DA's office, it would not be appropriate to use this sample to judge the quality of the 160,000 reports filed annually by the San Francisco Police Department.

(6)

Recommendations:

- 1.3.1 *As a policy matter, consider establishing a higher minimum education standards for new officer recruits than the high school diploma, such as at least one year of college, and concurrently implementing less restrictive residency requirements.*

While the Department is not opposed to this recommendation, we believe that any attempt to increase the education requirements would be challenged by the consent decree parties. Even the Department's attempt to relax the residency restrictions, has been opposed by the consent decree parties. The Department will continue to work with the parties in order to find a way to increase the potential pool of applicants while meeting the requirements as well as the spirit of the consent decree.

- 1.3.2 *Request that the District Attorney develop a formal system for returning any substandard Police reports back to the Police Department for review, evaluation and corrective action.*

The Department concurs with this recommendation.

- 1.3.3 *Design exercises for basic training in report-writing which provide a greater emphasis on teaching recruits to describe the steps of their investigation, their personal observations and other details, obtain written statements from all involved parties (when possible), and attempt to locate and identify potential witnesses.*

The Department continues, as it has in the past, to review and revise training on an ongoing basis.

* See attached Budget Analyst Comments

- 1.3.4 *Continue to sponsor periodic report-writing classes, taught by Assistant District Attorneys, for Sergeants and Field Training Officers.*

The Department will continue to offer these classes.

- 1.3.5 *Regularly include report-writing sessions as part of the biannual Advanced Training course required of all sworn members.*

The Police Academy staff is exploring how best to implement this recommendation.

Section 1.4 The DA's Standard for Charging Cases

Recommendations:

- 1.4.1 *The D.A. should consider establishing a more flexible policy for accepting cases from the Police Department for prosecution.*

The Department concurs with this recommendation.

Section 1.5 Penal Code Section 849(b)

In order to address the recommendation made in this section there needs to be some clarification as to how the Department's use of the 849(b) release form differs from other police agencies. Penal Code section 849(b) authorizes a police officer to release a person from custody after being arrested if the officer believes there is insufficient grounds for making a criminal complaint against that person. Most agencies conduct these releases following a review of the facts by a supervising officer or investigator *after* the person has been booked. Because SFPD policy calls for charges to be approved in advance by a supervisor and ultimately the district Lieutenant, 849(b) release are normally issued *before* the subject is booked.

As a result of this Department's practice (which spares a citizen a criminal record in many situations) the pre-booking 849(b) release does not fall within the Department of Justice's criteria as a release of an "arrested" person. In fact, technically the SFPD may not be required to issue the forms since no formal arrest is made, but the Department has made a policy decision to err on the side of caution and to issue 849(b) release forms to persons who have only been detained. The only 849(b) releases forwarded to DOJ, therefore, are those for intoxicated arrests where the subject is formally booked but then released when he becomes sober.

Recommendations:

- 1.5.1 *Improve the tracking of Section 849(b) releases by revising the 849(b) release form so that it includes information on the*

type of offense (e.g. felony or misdemeanor) and which subsection of PC 849(b) the release pertains to (849(b)(1), (2) or (3)).

The Department will review our form and tracking system to ensure that it complies with State law.

1.5.2 Provide accurate statistics on the use of PC 849(b) to the State..

The Department will review its reporting policies with the California Attorney General's Office to confirm that we are complying with all reporting requirements.

Section 1.6 Record-Keeping and the Case Review Process

Recommendations:

1.6.1 Maintain more accurate and comprehensive statistics on the assignment and disposition of cases.

The Department is in the process of developing a computerized case management system that will allow supervisors in the Investigations bureau to produce these reports in a timely manner as well as improving the quality assurance mechanisms. This system is scheduled to go online in early 1999.

1.6.2 In accordance with the guidelines included in this section, establish a formal, documented case review process which involves staff from Investigations, Field Operations and the District Attorney's Office.

The current case review process involves the section Lieutenant reviewing each case and discussing with the Inspector any case where there was a disagreement with the DA's office over charging issues. Additionally, a copy of the "Record of Investigation" is sent to the commanding officer of the arresting officer so that they may both review the disposition of the case and read any comments made by the Inspector or District Attorney. It is true that these forms often don't include much information as to why a case was discharged and we agree, therefore, with the Budget Analyst's recommendation that the DA "provide more input and comments" on the form.

Section 2.1: Required Staffing, Temporary Disability and Modified Duty

The Department's modified duty policy, as set forth in General Order 11.12, (see Attachment A) was developed over the course of 16 months and involved input from the City Attorney's Office as well as the P.O.A. and the Retirement Board. It was designed to provide a clear, consistent, and legally strong policy that would allow the Department to properly

accommodate disabled sworn members of the Department as well as encouraging the speedy recovery of temporarily disabled officers and facilitating the retirement of those officers presently disabled when no modified duty position is available that they are qualified for.

Recommendations:

- 2.1.1 *As prescribed by the Budget Analyst, set a time limit of 365 days for temporarily disabled officers who are serving in modified duty positions. Such a time limit is consistent with the new General Order 11.12, approved in November, 1997.*

The Department has implemented this time limit.

- 2.1.2 *Eliminate 66 of the 121 sworn positions which are currently budgeted to accommodate officers on modified duty or temporary disability leave and clearly define the conditions for placing permanently disabled officers in modified duty assignments.*

The Department is in the process of reviewing all positions filled by officers on modified duty. The Police Chief will decide which positions will be opened to modified duty officers. General Order 11.12 defines the conditions on when an officer is to be placed on modified duty.

- 2.1.3 *Clearly define the steps that will be taken in the event that an officer completes the 365 days of modified duty but is still disabled and is unable or unwilling to obtain disability retirement.*

These steps are defined in General Order 11.12 and the City's human resource policies.

- 2.1.4 *Define "reasonable accommodation" under the federal ADA and provide details on how the SFPD's required actions under Workers Compensation and state Labor Code diverge from the Federal ADA standard. Additionally, the SFPD should clearly articulate its method for making such Workers Compensation and ADA accommodations, for officers who are temporarily or permanently disabled.*

The Department will continue to meet the requirements and standards for accommodating disabled employees as prescribed by Federal and State regulations.

- 2.1.5 *Inform the Retirement Board as to the maximum number of modified duty positions and the time limit that sworn officers may serve on modified duty. Work with the Retirement Board to develop a policy for retiring officers who are permanently disabled as an alternative to keeping them in modified duty positions and reasonably accommodating them above and beyond required standards.*

The Retirement Board was involved in the creation of General Order 11.12 which specifies these requirements. The Department will accommodate a disabled officer to the extent required by the relevant State and Federal regulations. Finally, the Department will continue to work with the Retirement Board to facilitate the retirement of permanently disabled officers.

- 2.1.6 *Continue the implantation of the new Workers Compensation Claims Management System as a tool for tracking and reporting on Officers on modified duty and/or those who are permanently assigned to non-sworn duties.*

This system is now fully implemented.

Section 2.2: Modified Duty and Industrial Disability

General Order 11.12 was created in order to clearly define the process for properly dealing with an officer who becomes either temporarily or permanently disabled. A significant amount of work went into drafting these policies in order to make sure that throughout the process, the Department stayed in compliance with the numerous laws governing injured and disabled officers. At the same time, the Department wanted to make sure that the involved officer was treated fairly and respectfully.

Recommendations:

- 2.2.1 *Provide the members of the Department with a written definition of a "non-sworn budget position".*

The Department will provide its members with this information.

- 2.2.2 *Provide the members of the Department with a written definition of an "emergency".*

An emergency is defined in the General Orders.

- 2.2.3 *Authorize reviews at a minimum of 30 days.*

General Order 11.12 requires that the status of all officers on modified assignments must be reviewed on a regular basis. The Department's computer based case management system will track all officers on modified duty. When an officer is assigned to modified duty, a record for that officer will be created in the system. At that time, the system will be programmed to alert the operator, after a specific time interval, that an officer's case needs to be reviewed. The interval between reviews will be determined based on the particular injury or medical condition of the officer.

Section 3: Minimum Sworn Staffing and Civilianization

The Department agrees with many of the recommended reclassification of positions from sworn to civilian. But we feel that other positions recommended by the Budget Analyst should remain sworn. In these cases, the Department feels that those positions should be filled

by a peace officer; 1) it is required by State and/or Federal regulation, 2) the working conditions involve potential hazardous situations that it would be inappropriate to place a civilian in , or 3) the position requires an extensive experiential knowledge of police practices. Those positions that we feel should remain as sworn are listed in Attachment B.

It is also important to emphasize that the process of civilianization would take several years to fully implement and could actually lead to increased personnel expenditures during the time of the implementation. In addition, the examples presented in the audit have not been formally reviewed by the Department of Human Resources, and in any instance, where a position would be civilianized, the position would have to be reclassified by DHR in order to assure that the classification is consistent with city wide practices and standards. These facts need to be kept in mind when judging the potential savings arising from civilianization. The Department will work with the DHR and the Mayor's Budget Office in order to pursue civilianization of select positions in forthcoming budgets.

Recommendations:

- 3.1 *The Board of Supervisors should consider submitting a ballot measure that would amend Charter Section 4.127 in order to facilitate the civilianization of sworn functions in the Police Department, without recommending a specific number of full-duty sworn positions, without resulting in additional personnel costs and without reducing the current level of police services. Additionally, this Charter Amendment should provide that any savings resulting from civilianization accrue to the General Fund.*

The Department concurs with the proposed measure provided it will not negatively impact community policing services.

- 3.2 *Consider submitting a ballot measure that would amend Charter section 4.127 in order to facilitate the civilianization of sworn functions in the Police Department, without recommending a specific number of full-duty sworn positions, without resulting in additional personnel costs and without reducing the current level of police services. Additionally, this Charter Amendment should provide that any savings resulting from civilianization be used to hire new Police Officers to perform community policing duties.*

The Department concurs with this recommendation.

Section 4: Special Event Overtime

We agree with the Budget Analyst that the cultural events and the political demonstrations — that lend so much to the style and vibrancy of the City — require a significant deployment of police resources. It is clear that in recent years, street fairs have extracted a heavy toll on the Department's budget. Over the last four full fiscal years (FY 93-94 to FY 96-97) the number of street fairs have increased by 23% while the cost to the city for providing police services to them has increased by over 95%. Yet under Section 2.70 -6(f) of the Administrative Code, the

Department can only seek reimbursement of 40% of our costs, or \$2500, whichever is less. While other City departments are allowed to recover the cost associated with servicing street fairs, the Police Department is the only department whose role is tied to salary-intensive personnel deployment rather based on application fees (SFFD), or a per-item basis (Muni - bus lines re-routed), or some combination (Health Dept.).

Recommendations:

- 4.1 *Create a unit of officers under Field Operations Bureau Headquarters to serve as the primary response unit for special events during periods when the majority of special events take place.*

The Department will conduct an assessment to determine if it is possible to create such a unit without increasing the budget while at the same time not reducing staffing at the district stations.

- 4.2 *The Board of Supervisors should consider the policy option of modifying the Administrative Code, as described in the Police Department's memorandum (see Appendix 4), in order to enable the Police Department to improve its ability to recover the cost of providing police coverage at certain types of special events.*

The Department has been exploring this option for some time and we heartily concurs with this recommendation.

GENERAL ORDER

11.12

Rev. 10/29/97

Eff. 11/15/97

RETURN TO WORK/REASONABLE ACCOMMODATION

This order describes the Department's policies and procedures for sworn members of the Department who are temporarily or permanently disabled. This order supersedes Information Bulletin #86-133.

I. INTRODUCTION

- A. This department is charged with the duty to protect life and property, to maintain the peace, to prevent crime, to enforce criminal laws and ordinances. These duties are best accomplished when all members are capable of performing their full duties. Additionally, the department's staffing has been impacted by the recent amendment to the Charter regarding minimum staffing of the department.
- B. This policy has two parts. First, it outlines the return to work program of modified assignments for members who are temporarily injured or ill. Second, it describes the procedure for seeking accommodation for members who have been permanently disabled from performing the essential functions of their positions, consistent with State and Federal disabilities laws including the Americans with Disabilities Act and the Fair Employment and Housing Act.

II. RETURN TO WORK POLICY

The Return to Work program allows sworn members who have been injured on the job, but who are able to provide services, to work within their capabilities in temporary modified work assignments as an alternative to being on leave during recovery from a temporary disability.

A. ELIGIBILITY FOR MODIFIED ASSIGNMENTS

- 1. With the approval of the Chief of Police or his or her designee, a member who sustains an injury or illness on the job and who is thereby limited from performing the essential functions of his or her regular assignment may be provided a modified work assignment.

2. At the discretion of the Chief of Police, modified work assignments may be offered to members whose temporary disabling condition was not industrial in nature.

B. RULES GOVERNING MODIFIED WORK ASSIGNMENTS

1. Modified work assignments are temporary assignments within the department that can be performed by officers who temporarily cannot perform the essential functions of their regular assignment.
2. Modified work assignments available to members will be subject to the following limitations:
 - a. Details to district stations. Members will not be placed at district stations unless otherwise authorized by the Deputy Chief of Administration, and approved by the Chief of Police. These details shall be no longer than 30 days.
 - b. Overtime. Members in modified work assignments shall be eligible for overtime assignments, including but not limited to PLES overtime, as long as such assignments are consistent with the member's medical restrictions. Disputes about this issue will be submitted to the Deputy Chief of Administration for determination.
 - c. Transfers. Any involuntary transfer or reassignment shall require 72 hours notice, absent an emergency.
3. No sworn member shall be given a modified work assignment in a budgeted non-sworn position, except on a temporary basis.

C. PROCESS FOR RECEIVING A MODIFIED WORK ASSIGNMENT

1. The Department receives (1) notification from Workers' Compensation Division that a member with an industrial injury may return to work in a modified capacity, or (2) a memorandum from an officer with a nonindustrial injury requesting return to work in a modified capacity.
2. The member's medical work restrictions are reviewed at the Staff Services Division, which shall compare the limitation(s) placed on the member by his or her treating physician with available modified work assignments.

3. As to industrial injury, questions regarding a member's ability to perform (1) the full duties of a member's regular assignment, or (2) modified duties, the department shall contact the member's treating physician for clarification. If there is a dispute over this issue, a final determination will be made in accordance with Workers' Compensation Rules.
4. The Deputy Chief of Administration may make a recommendation for a modified work assignment to the Chief of Police. The Chief of Police shall make the final decision regarding the availability of a modified work assignment based on the member's medical restrictions and the personnel needs of the department. His decision shall also take into consideration the member's job skills, job qualifications, training, experience, and seniority.

D. DURATION OF MODIFIED ASSIGNMENTS

DURATION. Modified work assignments shall be limited in duration. At the end of 30 days of a modified work assignment, or earlier if warranted, a member shall be reviewed to determine whether the member will be able to return to his or her regular assignment. If the modified assignment extends beyond 30 days, the member's status will be reviewed every 30 days up to one year.

III. PERMANENT DISABILITY EVALUATION / ACCOMMODATION

- A. Members may request permanent accommodation when they have a physical or mental impairment that substantially limits one or more major life activities. This impairment may or may not be as a result of a work-related incident.
- B. Where a member has sustained an injury or illness on the job and has been performing in a modified duty assignment, the following procedures shall apply:
 1. **EVALUATION.** After 365 days on modified work assignment, or earlier if (a) the member has made a request for permanent accommodation or (b) the circumstances dictate, the member's treating physician and the police department shall medically evaluate the member to determine whether he or she will be able to return to his or her regular assignment.
 2. After 365 days, as set forth in Section III., B., 1., a member shall either return to his or her regular assignment, request a reasonable accommodation, or request a recommendation for disability retirement.

- C. To request a reasonable accommodation, a member shall complete a request for accommodation form and a medical release. Upon completion, these forms shall be submitted to the Commanding Officer of the Staff Services Division.
- D. The Duty Evaluation Committee shall be composed of the following members: the Deputy Chief of Administration Bureau (Chair), the Commanding Officer of the Staff Services Division, the Personnel Sergeant, the Police Physician, the Department's ADA Coordinator, and a representative of the POA (non-voting).
- E. A designee of the Committee shall consult with a member who has requested accommodation to discuss the member's physical limitations, work abilities, and potential accommodations.
- F. The Committee shall convene within a reasonable time after a request for accommodation has been received but no later than 30 days following receipt. At the meeting, the officer requesting accommodation is entitled to be represented by the Police Officers' Association or any other representative chosen by the officer. The Committee shall consider the following:
 - 1. The nature, extent and seriousness of the member's disability, i.e., whether the member has a condition which is permanent and which substantially limits one or more major life activities.

The Committee shall consider, if available, a member's Workers' Compensation disability rating. Generally, the Committee will require a disability to be rated or rateable at 50% or more under the Workers' Compensation Appeals Board's permanent disability rating standards. The rating, however, is not dispositive. Members with disabilities rated at less than 50% also may be considered for accommodation based upon a review of the officer's medical information.

- 2. Whether the member, with reasonable accommodation, could perform the essential functions of his or her classification, including through such methods as restructuring nonessential functions, or other means which do not pose an undue hardship to the department or pose a direct threat to the health or safety of the members and others.
- 3. When a member cannot be accommodated to perform the essential job functions of his or her classification, the Committee will review vacant modified duty positions. The department has identified a specified number of positions for members who are being accommodated. The availability of these positions is subject to review for business necessity.

4. Such other and additional factors as may be relevant under the Americans with Disabilities Act and other disability discrimination laws.
 - G. Based on all of the above, the Duty Evaluation Committee shall make a recommendation regarding accommodation and shall communicate that recommendation to the member in a timely fashion.
 - H. Review. If the member disagrees with the recommendation of the Duty Evaluation Committee, the member may request a review of the Committee's findings and recommendations by the Chief of Police. The member may request a review of the Chief's decision by the Police Commission.
 - I. Where the Committee determines that a member cannot be accommodated, the Committee shall offer to refer the member for a disability retirement.
 - J. Reassignment Pending Retirement. If the Committee determines that a member should be referred to disability retirement, the member may be placed in a temporary assignment pending separation, and shall be referred to the Retirement Board for disability retirement.
 - K. No sworn member shall be granted an accommodation in a budgeted non-sworn position, except on a temporary basis when vacancies cannot be immediately filled.
-

SFPD Unit	Function	# of Positions	Current Uniformed Position	Proposed Civilian Position	Response
Public Affairs	Media Relations	1	Q2 Police Officer	1312 Public Information Officer	This position requires a person who can speak with authority on all police matters. The press often insists on speaking directly with a uniform member of department.
Staff Inspection	Facility Site Inspections & internal audits	1	Q50 Sergeant	1844 Senior Management Assistant	Responsible for the inspection of stations and equipment. Must be familiar with police operations and able to work around fire arms, evidence, and suspects.
EEO	Investigate EEO complaints	1	O380 Inspector	1233 EEO Programs Specialist	These are positions that require individuals to conduct confidential personnel investigations that require sworn members access to all facets of the criminal justice system. The results of these investigations may result in the initiation of departmental disciplinary action equivalent to that of MCD. Potential POA issue.
EEO	Investigate EEO complaints	1	Q50 Sergeant	1233 EEO Programs Specialist	These are investigative positions. Civilians cannot lawfully access criminal history information. The Department is concerned that some might interpret the lack of sworn officers investigating EEO complaints as a sign that the Department does not consider this an area of importance.
Backgrounds	Background investigations of application for sworn positions	3	Q2 Police Officer	1240 Assistant Personnel Analyst	These are investigative positions. It is imperative that the background investigations be conducted by sworn officer how have many years of experience. Since changes are that someday they will have to work with the people they investigate. It is in their interest to assure that no questionable candidate gets by them. It should also be noted that it has been the experience around the country that some of the most notorious bad police officers made it into

SHPD Unit	Function	# of Positions	Current Uniformed Position	Proposed Civilian Position	Response
Recruitment	Conducts & monitors recruitment & retention programs	1	Q2 Police Officer	1240 Assistant Personnel Analyst	police departments after the rigor of the background investigations were reduced. Since this position is responsible for meeting directly with potential applicants it is imperative that they be able to meet with an experienced officer who can speak with authority about the job and the training program.
Personnel	ADA Coordinator	1	Q50 Sergeant	5620 Regulatory Specialist	This position is the primary liaison to the disabled community and needs a intimate knowledge of police practices. Trains officers on working with the disabled.
Personnel	Investigation of disability claims	1	0380 Inspector	8139 Industrial Injury Investigator	Supervises investigations that can utilize covert surveillance.
Personnel	Investigation of disability claims	2	Q50 Sergeant	8139 Industrial Injury Investigator	These are investigative positions. As part of their investigations they conduct covert surveillance of both sworn and non-sworn personnel.
Stress	CISD/Stress/Drug/alcohol counseling	1	Q2 Police Officer	2594 Assistance Counselor	This position is required to respond to incidents where a Critical Incident Debriefing might be necessary, such as an incident involving the deaths of children or fellow officers. Given the reluctance of public safety personnel to seek professional help for mental and emotional problems and the documented effectiveness of peer counseling in getting them to accept this help, it is imperative that this position remain a sworn position.
Planning/MIS	Telecommunications manager, Telecommunications repair	1	Q2 Police Officer	A805 Telecommunications	This should remain a Q2 as this position is used in setting up field telecommunications during in hazardous conditions such as barricaded suspects and hostage situations.

SPPD Unit	Function	# of Positions	Current Uniformed Position	Proposed Civilian Position	Response
Planning/MIS	CLETS coordinator; PC programmer & database developer	1	Q2 Police Officer	1872 Programmer Analyst	The CLETS coordinator function would have to be performed by a sworn position.
Planning/MIS	Cable coordinator, Manages HOJ data system & WANG; Coordinates conversion to PC system; Strategic planner for MIS	1	Q380 Inspector	1818 MIS Specialist II	This position is the Cable coordinator and Manages the HoJ data systems, as such this individual is required to work with other law enforcement agencies and act as the department representative on interagency meetings and working groups. Serves on the State's CLETS Policy Board
Planning/MIS	Oversees Planning / MIS Division	1	Q80 Captain	0636 Division Chief or equivalent	Senior member of the Admin. Bureau. Responsible for the long term strategic planning of facilities, technologies, and operational strategies. It is necessary that the incumbent have direct experience in all facets of the department.
Property Control	Evidence booking & control	7	Q2 Police Officer	1920 Inventory Clerk	These positions have direct access to evidence including firearms, cash and other valuable evidence. Are on call 24 hrs a day to respond to crime scenes for the collection of evidence. They have direct responsibility for security of the evidence. They have daily contact with arrestees and are responsible for the destruction of extremely sensitive evidence related to homicides, sexual assaults, child pornography.
Fiscal	Fleet Manager	1	Q2 Police Officer	7412 Automotive Services Worker Asst. Supervisor	Since this position is responsible for developing vehicle maintenance programs as well as evaluating and developing specifications for all police motor vehicles it is important that this position have practical law enforcement experience
Fiscal	Chief Fiscal Officer,	1	Q80 Captain	1660 Manager,	This position is part of the senior management

SFPD Unit	Function	# of Positions	Current Uniformed Position	Proposed Civilian Position	Response
	Supervise Fiscal & Accounting sections			Budget & Performance Monitoring	team. Represents the dept. in front of the Board of Supervisors.
FOB HQ	FOB HQ office staff; non-clerical functions	1	Q2 Police Officer	1842 Management Assistant	Reduced to 1 Q2 since analysts review; one sworn position need for public contacts.

Budget Analyst's Comments Concerning the Police Department's Response

- 1 The Budget Analyst also identified three other options available to the Police Department in order to implement a triage function at the district stations, other than establishing two 12.5-hour shifts for Inspectors. These options include:
 - Designating specific Inspectors, who would remain with their units in the Hall of Justice, to field calls from Officers in the field who need assistance or have questions on how to proceed with an investigation;
 - Creating a specialized unit of Inspectors at the Hall of Justice to serve as triage Inspectors, working with the Sergeants and Officers in the field, and assigning these Inspectors to shifts that provide coverage 24 hours per day, seven days per week; or
 - Establishing on-call procedures for each of the 11 investigative sections that do not currently have on-call Inspectors, which will ensure that there are Inspectors available to answer questions and to go to crime scenes when Patrol Officers deem it necessary.
- 2 We clearly acknowledge this on Page 33 of the report by stating that the variations in caseload per Inspector among the different units can in part be explained by variations in the relative seriousness of different offenses (personal versus property crimes) handled by each investigative unit and also by the likelihood that certain types of cases can be cleared more quickly. We also cite a specific example of this, by stating that one would expect the Inspectors assigned to sections that handle personal crimes (e.g., homicide, sex crimes, assaults, robbery, etc.), which are generally more serious and more difficult to clear, to have relatively lower caseloads than Inspectors assigned to sections that handle property crimes (burglary, auto theft, fraud, fencing, etc.). Thus, as stated in the report, the Homicide Section has a relatively low caseload per Inspector.
- 3 The Budget Analyst argues that implementing a cross-training program would in fact increase efficiency by enabling managers to temporarily reassign Inspectors to units that have excessive workloads, as the need arises, thereby reducing the workload burden on those units and accelerating the process of investigating and clearing cases. The completion of the promotional exam for

BOARD OF SUPERVISORS
BUDGET ANALYST

Inspectors will present a prime opportunity for the Department to cross-train all new Inspectors, who need to be trained anyway.

- 4 The Department's response concerning the formation of a Rebookings Unit focuses on the difference between Narcotics rebookings and rebookings for other types of crime. We acknowledge these differences. However, the Department's response does not address whether or not such a unit would be beneficial for some other types of crimes.
- 5 While the Department may review staffing levels informally, we found no documentation that this practice was either required or applied uniformly throughout the Department.
- 6 We specifically state in Section 1.3 that the Police Department's report-writing has improved in recent years and that the reports we reviewed appeared to be of fair to good quality. We also pointed out numerous measures taken by the Police Department in recent years in order to improve Police report-writing.

Furthermore, our findings in this section are based primarily on our discussions with staff from the DA's Office, who indicated that deficiencies in report writing are still one of the factors contributing to the relatively high number of cases being discharged. The Coro Foundation study referenced by the Police Department corroborated some of the information provided by the District Attorney's Office. In addition, the Coro Foundation study was the most current source available for the information we were seeking regarding the level of writing skills among Police Officer recruits. Although we requested more up-to-date information from the Police Department, they were unable to provide this information.

Finally, we clearly state in Section 1.3 that the purpose of reviewing this random sample of 40 incident reports was to evaluate the overall quality of incident reports for cases that were not prosecuted by the DA, since it was the DA's Office that had indicated that report-writing deficiencies contributed to the low prosecution rate. This sample represented a statistically valid sample of incident reports for cases rejected by the DA. We did not see the need to review reports for cases that were accepted by the DA for prosecution. Based on this sample, we were attempting to identify additional areas for improvement. Moreover, even though this sample represented cases that were rejected by the DA, we still found that the "reports appeared to be of fair to good quality".

BOARD OF SUPERVISORS
BUDGET ANALYST



Memorandum

DATE: April 21, 1998
TO: Ms. Debra Ward, Budget Analyst
FROM: Clare M. Murphy, Executive Director *CM*
RE: Audit Report regarding Police Department

As a result of our telephone discussion of last week the City Attorney has prepared a summary of concerns paralleling those which we discussed. In addition the City Attorney has referred the draft report to the Workers Compensation Division of the Department of Human Resources. I believe that the issues presented by the City Attorney are concerns of the Retirement Board and the Department of Human Resources.



LOUISE H. RENNE
City Attorney

DAVID BENJAMIN
Deputy City Attorney

DIRECT DIAL: (415) 554-3876

MEMORANDUM
PRIVILEGED & CONFIDENTIAL

TO: CLARE MURPHY
Executive Director

FROM: DAN MAGUIRE
DAVID BENJAMIN *DB*
Deputy City Attorneys

DATE: APRIL 20, 1998

RE: BUDGET ANALYST'S REPORT:
PHASE II, POLICE AUDIT

We have reviewed this document, which we received on 4/17/98. The audit recommends that the police department eliminate 66 light duty positions to achieve an annual savings of over \$4 million (66 positions x \$63,988 per position). (Draft Audit, 2.1, pages 9 and 10)

There are several points that we wish to bring to your attention concerning the audit:

First, the audit does not say who is going to do the work that is currently being done by the officers assigned to the 66 positions. If the work will be done by full duty officers, then the savings is illusory. If the work is going to be done by civilian hires, the audit overstates the savings to the department.

Second, the audit does not account for the cost of paying benefits to disabled officers who cannot be accommodated with appropriate work assignments.

Third, the audit does not account for the cost of industrial disability retirements for police officers who are otherwise able to perform light duty work.

Fourth, the audit does not address the management implications of paying full disability pay, or a lifelong industrial disability pension, to officers with marginal disabilities. The availability of

Memorandum
Privileged & Confidential

To: Clare Murphy
April 20, 1998
Re: Budget Analyst's Report
Page 2

light duty is an important defense to marginal -- or bogus -- claims for industrial disability pay and industrial disability retirement. Perhaps it is beyond the reach of a fiscal audit; however, there should be some attention paid to the issue that marginal claims rewarded will encourage more claims and perhaps create an institutional culture of entitlement. The budget analyst should be familiar with this issue, having performed a workers' compensation audit in the past.

D.B.

cc: Fred Howell, HRD
Aleeta Van Runkle, DCA

Budget Analyst's Comments Concerning the Employees' Retirement System Response

With regard to the issue of who is going to perform work now done by modified duty personnel, Section 3 of our report addresses civilianization and the preservation of up to 26 positions for Police Officers on limited term modified duty.

Regarding cost issues, the Employees' Retirement System has not provided us with any estimate of the cost to the Retirement Fund due to increased industrial retirements. In addition, we note that in providing actuarial estimates for several recent proposals to improve retirement benefits for certain employee groups, the Retirement System has consistently stated that the system is very well funded. The City has not had to pay any employer contributions for nearly two years. Further, the Retirement Board does not expect the City to pay any employer retirement contributions for many years into the future — barring severe shortfalls in the investment returns to the System.

Lastly, the Budget Analyst believes that the City should grant, with gratitude, disability retirement to any Police Officer who is no longer able to perform police duties because of a bona fide injury or illness.

REF 353.3609 P416

Management audit of the
San Francisco Police
1998.

1. The first part of the report discusses the importance of maintaining accurate records of all transactions. It emphasizes that this is essential for the proper management of the organization's finances and for ensuring compliance with relevant regulations.

2. The second part of the report provides a detailed overview of the current financial position of the organization. This includes a summary of the income statement, the balance sheet, and the cash flow statement. It also highlights the key areas of concern and the steps that are being taken to address them.

3. The third part of the report outlines the proposed budget for the next financial year. This includes a breakdown of the expected income and expenses, as well as the anticipated cash flow. It also discusses the various measures that are being implemented to ensure that the organization remains financially sound and sustainable.

4. The final part of the report provides a summary of the findings and recommendations. It emphasizes the need for continued vigilance and for the implementation of the proposed measures to ensure the long-term success of the organization.



